

Volume 2

Special Resource Study



Sand Creek Massacre Project



This report has been prepared to provide Congress and the public information about the resources in the Sand Creek Massacre study area, and how they relate to criteria for parklands applied by the professional staff of the National Park Service. Publication and transmittal of this report, including any discussion of a preferred course of action, should not be considered an endorsement or a commitment by the National Park Service to seek or support either specific legislative authorization for the project or appropriations for its implementation. Authorization and funding for any new commitments by the National Park Service will have to be considered in light of competing priorities for existing units of the National Park System and other programs.

Sand Creek Massacre Project, Volume 2: Special Resource Study (SRS) and Environmental Assessment (EA) was prepared by the National Park Service, Intermountain Region, as a result of Public Law 105-243 (*The Sand Creek Massacre National Historic Site Study Act*). For additional information, see the first volume of this report: *Sand Creek Massacre Project, Volume 1: Site Location Study*.

2000: Denver: National Park Service, Intermountain Region

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Prepared by the National Park Service in consultation with the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, the Northern Arapaho Tribe, and the State of Colorado.

COVER PHOTOGRAPHS: Small photographs: Indian Chiefs arriving in Denver for peace negotiations, 1864, *Western History Department, Denver Public Library*; group photograph of participants in the Camp Weld peace negotiations, 1864, *Western History Department, Denver Public Library*; and detail of *The Sand Creek Massacre*, elk hide painting by Eugene J. Ridgley Sr. (Eagle Robe), Northern Arapaho Tribe. Large photograph: Sand Creek Massacre historical marker, located in Section 25, Township 17S, Range 46W, overlooking a portion of the massacre site, *Colorado Historical Society*.

Cover design by Kristin Cypher and Lori Kinser.



The Sand Creek Massacre, elk hide painting by Eugene J. Ridgley Sr. (Eagle Robe), Northern Arapaho Tribe

Sand Creek Massacre Project

Volume 2

SPECIAL RESOURCE STUDY

. . . I do know that we . . . have to bring closure to it and I think that having monuments, obelisks, whatever we're going to have showing there will help us do that. It's going to be so nice to go over there and maybe even offer some gifts and say, "this is where you're finally going to rest." This is where my thoughts are finally going to rest. This is where my torment about how our relatives were treated is finally going to be at rest.

Richard Little Bear, Sand Creek
Massacre Descendant, 1999

*Sand Creek means a lot to people. It will never disappear.
Only the people will.*

Laird Cometsevah, Sand Creek
Massacre Descendant, 2000

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CHAPTER 1

EXECUTIVE SUMMARY

The purpose of this study is to provide the United States Congress with a professional analysis – prepared in close consultation with the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, the Northern Arapaho Tribe, and the State of Colorado – of whether the Sand Creek Massacre site in Kiowa County, Colorado, is a suitable and feasible addition to the National Park System. The study also examines the national significance of the site, and presents distinctively different alternative concepts and management options for the protection, commemoration, and public use of the site.

The study was undertaken at the direction of the U.S. Congress through *The Sand Creek Massacre National Historic Site Study Act of 1998* (see Appendix). The act directed the National Park Service – in consultation with the State of Colorado, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe – to complete two tasks. The first task was to "identify the location and extent of the massacre area." Second, the act directed that a report be prepared that assessed the national significance of the Sand Creek Massacre site, the suitability and feasibility of designating it as a unit of the National Park System, and a range of alternatives for the management, administration, and protection of the area.

The first of these tasks was addressed in a separate report entitled *Sand Creek Massacre Project, Volume 1: Site Location Study*. In the Site Location Study, the National Park Service, the State of Colorado, the Northern Cheyenne Tribe, the Northern Arapaho Tribe, and the Cheyenne and Arapaho Tribes of Oklahoma agreed on the location and extent of the massacre. This area is shown in the map of the "Boundary of the Sand Creek Massacre Site" included in this report. The area lies in several sections of Township 17 South, Ranges 45 and 46 West, in Kiowa County, Colorado. It encircles a running engagement and extends approximately 5 ½ miles in length and 2 miles in width. Included within this boundary are key features of the massacre, including the Cheyenne and Arapaho village site, the "sandpits" area where the fiercest fighting took place, the area of Indian flight, and the point from which Colonel John Chivington and his troops launched their attack upon the Indian encampment.

This report addresses the second component of these two tasks: the national significance of the Sand Creek Massacre site; the suitability, and feasibility of designating it as a unit of the National Park System; and the identification of alternatives for the management of the site, and the impacts of those alternatives.

National Significance

According to National Park Service *Management Policies* regarding new areas to be included in the National Park System, a natural, cultural, or recreational resource is considered to be nationally significance if it meets all of the following criteria: 1) it is an outstanding example of a particular resource; 2) it possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage; 3) it offers superlative opportunities for recreation, public use, and enjoyment or for scientific study; and 4) it retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource. As detailed later in this report, the Sand Creek Massacre site meets all of these criteria based upon the exceptionally important association of the event in its impact on the Cheyenne and Arapaho cultural/societal frameworks, as well as its profound influence on the course of Indian-white relations in United States history. Also as discussed later in this report, the Sand Creek Massacre site appears to be eligible for National Historic Landmark (NHL) designation under NHL Criteria 1 and 6, and for listing on the National Register of Historic Places under Criteria A and D.

Suitability

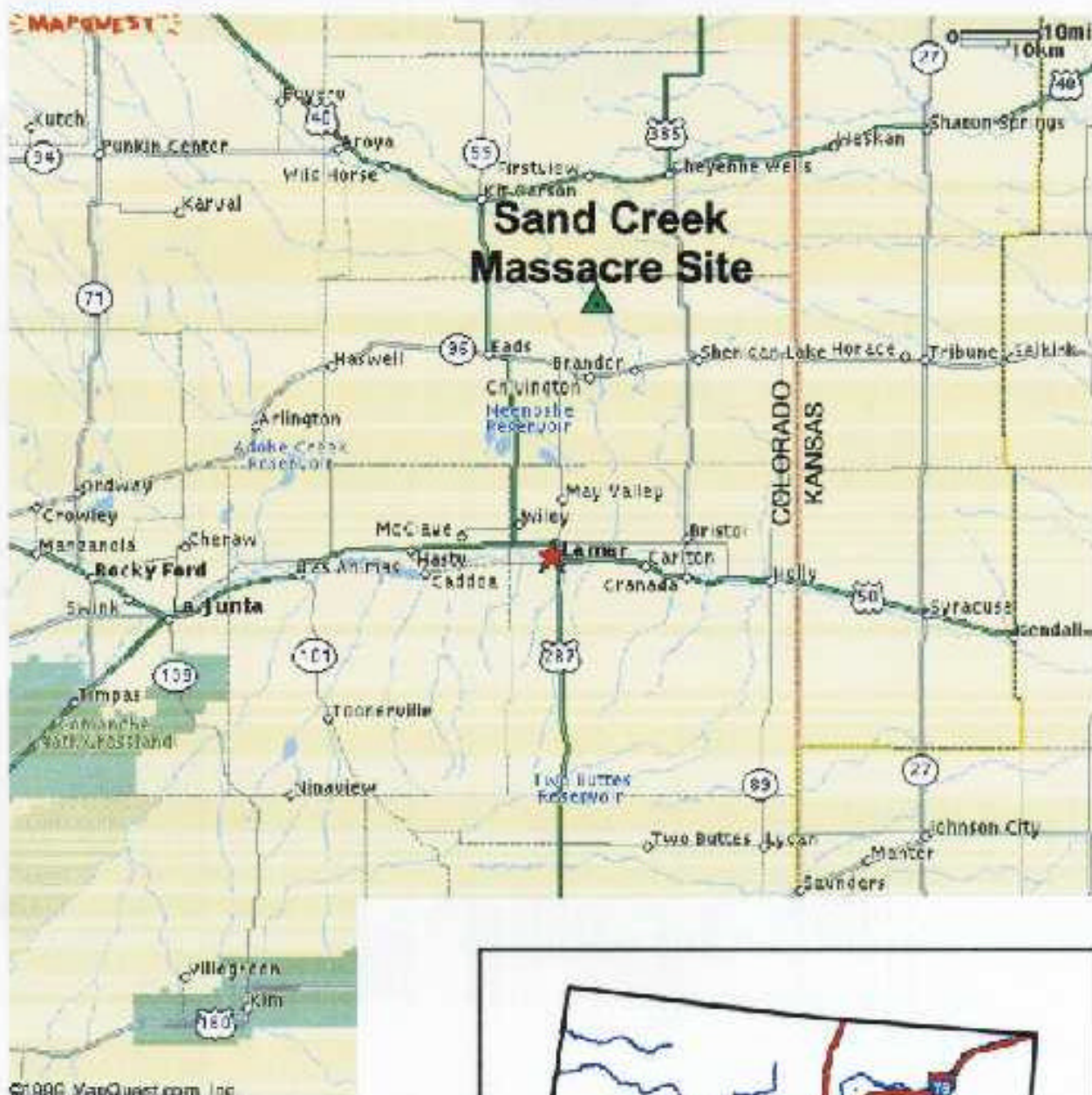
To be suitable for inclusion in the National Park System, an area must represent a natural or cultural resource theme or type of recreational resource that is not already adequately represented in the system, or is not comparably protected for public enjoyment by another land-managing entity. This report finds that the Sand Creek Massacre site is clearly suitable for inclusion in the National Park System. A National Park System unit at the Sand Creek Massacre site could provide visitors a greater understanding of that event within the larger context of Plains Indian societies, particularly those of the Cheyennes and Arapahos, and their disruption by the expansion of white settlement.

Feasibility

To be feasible as a new unit of the National Park System, an area's natural systems and/or historic settings must be of sufficient size and appropriate configuration to ensure the long-term protection of the resources and to accommodate public use. The feasibility of the Sand Creek Massacre site as a unit of the National Park System is addressed individually in each of this report's Management Alternatives. A Sand Creek Massacre memorial and/or historic site, as described in Alternatives 2 and 3, would be feasible as a new unit of the National Park System.

Summary of Management Alternatives

Three alternatives for the management of the Sand Creek Massacre site are presented in this report, as well as two alternatives that were considered but rejected. These alternatives are summarized below.



Vicinity Map

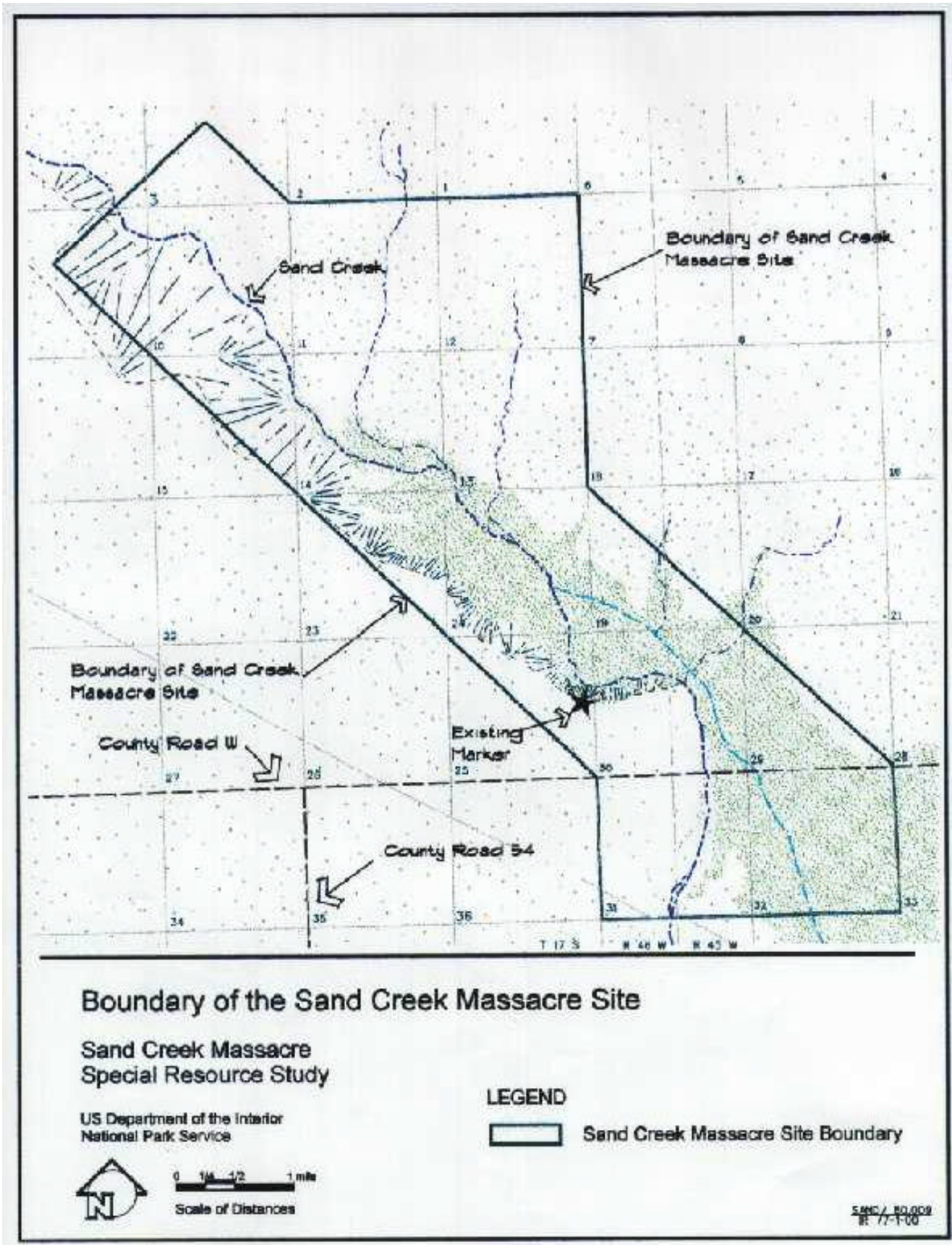
**Sand Creek Massacre
Special Resource Study**

US Department of the Interior
National Park Service

Information: Region III Program - Denver March 2010



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Boundary of the Sand Creek Massacre

The map on the opposite page shows the boundary of the Sand Creek Massacre site, which extends approximately 5 ½ miles in length and 2 miles in width. Included within this boundary are key features of the massacre, including the Cheyenne and Arapaho village encampment, the sandpits area where the fiercest fighting took place, the area of Indian flight, and the point from which Colonel John Chivington and his troops launched their attack upon the Indian encampment. This boundary should not be confused with the boundaries of the various management alternatives presented elsewhere in this volume.

As required by Section 4 of *The Sand Creek Massacre Historic Site Study Act of 1998*, the National Park Service, Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe, Northern Arapaho Tribe, and the State of Colorado have concurred that the location and extent of the Sand Creek Massacre is shown on this map, and that all core features of the massacre lie within the identified boundary. However, the parties have not yet fully concurred on the precise locations within the boundary of some of those core features. Any differences over such details will be addressed during the development of the interpretive plan or general management plan for the site as a unit of the National Park System.

Question. What was the extent or area of the battleground where the battle of Sand creek was fought?

Answer. I should think about four or five miles up the creek, and one or two each side.

Capt. Silas S. Soule, February 20, 1865

. . . Indians were killed five and six miles from the village . . .

Jacob Downing, Major, First Cavalry of Colorado, July 13, 1867

The dead Indians are strewn over about six miles.

Major Scott I. Anthony, First Cavalry of Colorado, Fort Lyon, December 2, 1864

The country for . . . miles around the camp was scoured and the slaughter complete.

C.B. Horton, July 24, 1903.

Alternative 1

Alternative 1, the **No Action Alternative**, retains the present situation at the Sand Creek Massacre site. Neither protection of the massacre site nor public access to the site would be established under this alternative other than that voluntarily provided by local landowners. There would be no development or staffing costs associated with this alternative.

Alternative 2

Alternative 2 proposes the creation of a **Sand Creek Massacre Memorial**, which would represent the minimal action needed to establish a commemorative memorial to the Cheyenne and Arapaho people who were killed at Sand Creek. Alternative 2 would establish a Sand Creek Massacre Memorial, allow public access to an area overlooking a portion of the massacre site, and provide an interpretive summary of that historic event.

Under this alternative, a segment of the Sand Creek Massacre site – approximately 1,500 acres of land currently owned by Bill and Jredia Dawson – would be acquired for the establishment of a new memorial. (The Dawson property includes the existing Sand Creek Massacre monument, which is on a bluff overlooking the massacre site. Although it would be possible to establish a new memorial on as little as one section of land – 640 acres – the Dawsons have indicated that they are not willing to sell only a portion of their land. However, they have indicated a willingness to sell all of their land within the massacre site boundary and relocate.) The land acquired under this alternative would be approximately 1/3 of Section 24 and all of Section 25, Township 17 South, Range 46 West, and all of Section 30, Township 17 South, Range 45 West.

Visitor experience at the Sand Creek Massacre Memorial would be expanded over Alternative 1, but not as in depth as that provided in Alternative 3. Under Alternative 2, visitors would be able to visit a new memorial commemorating the Cheyenne and Arapaho casualties of the massacre. Visual access to the historic scene also would provide an opportunity for contemplation. Visitors would not, however, have access to most of the massacre site itself. A visitor contact station would offer commemorative, interpretive, and educational opportunities including personal services and a variety of media (exhibits, publications, audiovisual programs, etc.).

The Sand Creek Massacre Memorial could be managed by the Cheyenne and/or Arapaho Tribes, the State of Colorado, Kiowa County, or the National Park Service. Under National Park Service management, the site would become a national memorial, a designation used for areas that are primarily commemorative in nature. As such, the primary purpose of the Sand Creek Massacre Memorial would be to commemorate that historic event. (By contrast, a primary purpose of a National Historic Site – as presented in Alternative 3 – is to also provide resource protection.) Since the land acquired under Alternative 2 would include a small portion of the massacre site (one half of the NPS-identified Indian encampment area), this alternative would provide minimal resource protection for that segment of the site. The majority of the Sand Creek Massacre site would continue to be privately owned, and would be subject to artifact collecting and future development.

Land acquisition costs for Alternative 2, which encompasses 2 1/3 sections of land, would be substantially less than those of Alternative 3, which encompasses 19.5 sections of land. Land acquisition for Alternative 3 is estimated to cost \$2 million, which would include land costs, appraisals, title, closing, escrow services, contaminant surveys and other costs, assuming that funding is made available in the near future. Acquisition costs for Alternative 2, which encompasses only 2 1/3 sections of land, would be proportionally less.

Development costs for Alternative 2 would be approximately \$9,000,000. At the fully staffed level, approximately 14 full-time employees would work at the Sand Creek Massacre Memorial. Employee salaries and benefits will total approximately \$710,000 annually. Operational costs would be approximately \$300,000 annually.

Alternative 3

Alternative 3 proposes the establishment of a **Sand Creek Massacre Historic Site**, which would provide the greatest possible protection for the resources of the Sand Creek Massacre site and its critical viewshed while providing for visitor access and a more thorough interpretation of the event. The Sand Creek Massacre Historic Site boundary would include approximately 19.5 sections of land (12,480 acres). The site could be managed by the National Park Service or the State of Colorado. Management by the National Park Service in collaboration with tribal governments and the State of Colorado is also an option. Tribes, local landowners, and local public officials recommend that the land inside the park boundaries be acquired only from willing sellers.

In contrast to Alternative 2, this alternative would provide a far greater degree of protection for all of the critical resources of the Sand Creek Massacre. Alternative 3 also would provide visitors with the possibility of a more comprehensive understanding of the event, and would include a variety of visitor services. Under this alternative, lands of sufficient size and configuration have been included within the boundary to accommodate functions related to administration and maintenance. Areas outside of the core massacre area would be used for visitor contact, parking, restrooms, etc.

Land acquisition for Alternative 3 is estimated to cost \$2 million, which would include land costs, appraisals, title, closing, escrow services, contaminant surveys and other costs associated with acquisition, assuming that funding is made available in the near future.

Development costs for Alternative 3 would be approximately \$11,600,000. At the fully staffed level, approximately 19 full-time employees (FTE) would be needed, and salaries and benefits would total approximately \$960,000 annually. Operational costs for supplies, materials, and equipment would be approximately \$300,000 annually.

Alternatives Considered But Rejected

Two alternatives that were considered but rejected included the acquisition of one section of land (640 acres) to provide public access off County Road W to reach a small existing memorial on the bluff overlooking the Sand Creek Massacre site. This

would have been an unstaffed development, with minimal interpretation of the Sand Creek Massacre. Bill and Tootie Dawson, who own this section of land, strongly objected to this concept because it is similar to a previous public access arrangement that was very problematic in terms of trespassing, trashing, vandalism, and privacy issues. However, while the Dawsons were not willing to sell a small parcel of land to accommodate such a development, they indicated that they would be willing to sell all their holdings within the massacre site boundary and relocate. Based on these discussions, Alternative 2 as presented above evolved.

A second alternative that was considered but rejected would have been a historic site that would have protected more land than Alternative 2 but less land than Alternative 3. This alternative would have excluded from the historic site land currently owned by Frances and Charles B. Bowen Sr., and was an effort to address Bowen Family concerns about their property being included within a historic site. However, during consultation meetings, there were numerous concerns raised regarding the establishment of a historic site that omitted integral portions of the massacre.

Historical evidence indicates that the sandpits area – where most of the actual fighting took place – is located on Bowen land. Members of the Bowen family also believe that critical portions of the massacre occurred on their land. (For more information on the location of the elements of the massacre, see *Sand Creek Massacre Project, Volume 1: Site Location Study*). As a result, the alternative to establish a historic site that did not fully protect the critical resources of the Sand Creek Massacre was rejected. This alternative was also rejected because Alternative 2, the Sand Creek Massacre Memorial, offered an alternative that did not include Bowen property.

Tribally Preferred Alternatives

The tribally preferred alternatives, in priority order, are Alternatives 3 and 2. It is also the preference of the tribes that the project move forward on a willing seller-only basis.

CHAPTER 2

PURPOSE AND NEED FOR THE SPECIAL RESOURCE STUDY AND ENVIRONMENTAL ASSESSMENT

In 1998, Senator Ben Nighthorse Campbell (R-CO) introduced Senate Bill 1695. The bill passed the Senate on July 21, 1998. A companion bill introduced by Congressman Bob Schaffer (R-CO) passed the House of Representatives on September 18, 1998. The bill was signed into law by President William Jefferson Clinton on October 6, 1998 as Public Law 105-243.

Entitled the *Sand Creek Massacre National Historic Site Study Act*, the law directed the National Park Service to "submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resources study of the Sand Creek Massacre site." The law directed that the work be done in consultation with the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, the Northern Arapaho Tribe, and the State of Colorado. The deadline for the report was 18 months "after the date on which funds are made available for the purpose." The National Park Service made planning funds available for the project beginning January 1999.

Background, Purpose and Need

On November 29, 1864, a village of about 500 Cheyenne and Arapaho Indians along Sand Creek in southeastern Colorado was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington. More than 150 Cheyennes and Arapahos were killed in the attack, mostly the elderly, women and children. During that afternoon and the following day, the soldiers followed up the massacre by committing atrocities on the dead before withdrawing from the field.

The massacre remains a matter of great historical, cultural and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of relations between the Plains Indians and Euro-American settlers.

The Sand Creek Massacre National Historic Site Study Act specifically requested that the study: 1) identify the location and extent of the massacre area and the suitability and feasibility of designating the site as a unit of the National Park System; and 2) include cost estimates for any necessary acquisition, development, operation and maintenance and identification of alternatives for the management, administration and protection of the area.



ILLUSTRATION 2-1: Sand Creek Massacre Area, view looking north from the bluffs in the Dawson South Bend.
Jayne Schaeffer

The purpose of this study is to provide information as requested by Congress on alternatives for the management, administration, and protection of the Sand Creek Massacre site, as well as cost estimates for land acquisition, development, maintenance and operation. A second report, entitled *Sand Creek Massacre Project, Volume 1: Site Location Study* addresses the location and extent of the massacre area.

This report is written in the form of a combined Environmental Assessment (EA) and Special Resource Study (SRS). An Environmental Assessment is required under the National Environmental Policy Act (NEPA) to assess the effects of a potential government action on the human environment. A Special Resource Study is conducted for potential additions to the National Park System. This EA/SRS identifies three distinct management alternatives and assesses their impacts on the affected environment.

Issues

As required by the Act, extensive consultation was undertaken with the State of Colorado, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe. For the purposes of this project, the Cheyenne and Arapaho Tribes of Oklahoma were recognized as two separate tribes: the Southern

Cheyenne Tribe and the Southern Arapaho Tribe. In addition to the four tribes and the State of Colorado, affected landowners were also frequently consulted. Two public meetings were held early in the project to keep the public informed and to elicit public input. A complete listing of public, state and tribal consultation meetings can be found later in this report.

Comments from the general public at the open house meetings most often reflected general support for the project. Although comment cards were available to be filled out at both public open house meetings held in March 1999, few people submitted written comments. Many of those who contacted the National Park Service about the project expressed a desire to volunteer during the archeological fieldwork.

During consultations with the tribes, the state, and local landowners, several issues were raised and are addressed in the management alternatives. Following is a summary of these issues and concerns.

Resource Management

Tribal representatives who attended the consultations, as well as tribal members interviewed for oral histories, often emphasized the desire for tribal involvement in planning for site management; the need to respect the fact that the area is both a massacre site where the victims remained unburied and a place sacred to the tribes; and the feeling that the site should remain largely undeveloped. A strong desire was also voiced by tribal representatives that the land be held in trust for the tribes by the federal government.

Comments from some landowners included a desire to continue to allow ranching and grazing on the site; maintain existing oil wells and production facilities; and ensure access to the site for the general public if it should become a national historic site.

Information, Orientation, and Interpretation

The need to tell the stories of the Indians who were at the massacre and to memorialize them was strongly voiced by tribal representatives and those contributing oral histories. Frequent mention was made of the need to have a physical memorial at the site commemorating those massacred at the site and the need to respect the sacred nature of the site. These comments included the desire to see Indian oral histories strongly represented in the telling of the story of the site. Some tribal members recommended that the Cheyenne Chief Black Kettle be formally memorialized at the site. Other tribal members recommended a memorial to those people who were killed at the Sand Creek Massacre. Tribal comments also encouraged the idea that the site be used to help educate young Indian students about their past and traditions.

Non-tribal comments included the view that the full context of the event should be told at the site, including Indian attacks on Euro-American settlers leading up to the massacre.

Infrastructure

General comments on infrastructure from both tribal representatives and landowners stressed the need to respect the site as sacred when developing any infrastructure, and

a related desire to keep the site "simple" with some sacred areas "out of bounds." Several comments supported having a museum on the site to display the artifacts found during the archeological fieldwork, with the design of any structures to be influenced by Indian culture and values. Comments also indicated that any buildings or structures should not intrude on the core massacre area.

Special Uses

Tribal representatives felt strongly about having special rights of access and use for ceremonial and religious purposes on the site given its sacred nature. Tribal representatives also expressed a desire to have a cemetery on or near the site for repatriation of human remains associated with the massacre, as well as for burial of Sand Creek Massacre descendants. Tribal ownership of the land, possibly held in trust by the Secretary of the Interior for the tribes, was also strongly suggested by tribal representatives.

CHAPTER 3

CONSULTATION AND PUBLIC INVOLVEMENT

Tribal Consultation and Coordination

The Sand Creek Massacre National Historic Site Study Act of 1998, P.L. 105-243, 112 Stat. 1579 (October 6, 1998), explicitly stated that both phases of the Sand Creek Massacre project – the Site Location Study and the Special Resource Study/Environmental Assessment – were to be done in consultation with the State of Colorado and the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

An initial tribal consultation meeting, organized by the National Park Service Intermountain Region, was held on July 25, 1998, in Denver, Colorado. Approximately 20 tribal members and others attended. While this meeting was held nearly three months prior to passage of the authorizing legislation, it did evolve into a formal consultation group. The meeting was funded by a grant from the American Battlefield Protection Program of the National Park Service.

Following the passage of *The Sand Creek Massacre National Historic Site Study Act* – and to conform to the requirement that the government of the United States conduct government-to-government relations with American Indian Tribes – the National Park Service requested that each tribe name representatives to the project. Following a series of letters and phone calls with the respective tribal governments, each tribe then passed a tribal resolution naming those representatives who would work on the Sand Creek Massacre project. In accordance with National Park Service Intermountain Region guidelines, the National Park Service paid consultation fees as well as travel and per diem costs for two tribal representatives from each tribe to attend consultation meetings as well as the archeological and geomorphological fieldwork.

The first formal consultation meeting was held on November 14-15, 1998, in Denver. This meeting marked the beginning of the public information scoping process for the development of the draft Special Resource Study (SRS)/Environmental Assessment (EA) for the Sand Creek Massacre site. The need for a Memorandum of Understanding (MOU) (see Appendix) was discussed at the meeting, and a draft document was begun. Several revisions later, the formal MOU was signed by all parties in March 1999 and is the cornerstone for all tribal consultations on this project. The MOU sets forth the principles and protocols acceptable to the tribes for the project in a manner that: 1) complies with the directive in *The Sand Creek Massacre National Historic Site Study Act* that the National Park Service conduct the project in consultation with the tribes; 2) fulfills the requirements of Executive Order No. 13084 on consultation and coordination with Indian tribal governments; and 3) carries out the

National Park Service's own policies providing for government-to-government relations with affected tribes.

Cooperative Agreements (see Appendix) were offered to the tribes so that they could collect and document their respective oral histories relating to the Sand Creek Massacre. The Northern Cheyenne, Northern Arapaho, and Southern Arapaho Tribes accepted the Cooperative Agreements, and each received funding of \$10,500. The Southern Cheyenne declined the Cooperative Agreement.

Formal consultation with the four tribes has included nine consultation meetings (see list below), numerous conference calls, letters to tribal officials, tribal representatives and interested tribal members, and discussions with interested tribal organizations. In addition, nine information meetings were held – one on the Wind River Reservation in Wyoming, four on the Northern Cheyenne Reservation in Montana, and four in Oklahoma communities of the Southern Cheyenne and Arapaho Tribes. There have also been four informal consultation meetings held in Denver and Golden, Colorado, at the request of tribal representatives to discuss specific aspects of the Site Location Study and traditional tribal methods. Tribal representatives were at the massacre site for a total of three weeks for the geomorphology and archeology fieldwork. As stated in the Memorandum of Understanding, all written work products generated by the National Park Service and related to the Sand Creek Massacre project were prepared in draft form and submitted to the tribes and the State of Colorado for review and comment.

Throughout this process, consultants from the tribes have expressed strong views about several subjects. They have asked that land be set aside adjacent to the Sand Creek Massacre site for tribal use only for religious ceremonies, the repatriation of human remains associated with the massacre, and the burial of Sand Creek Massacre descendants. They have also emphasized that, whatever alternative is chosen, the site should be recognized as a sacred site and treated in the appropriate manner.

Throughout this project, the tribes, particularly the Cheyenne, also have expressed dissatisfaction with the consultation process. They believe that the National Park Service does not properly consult, that tribal protocols and expectations for consultation have not been met, and that the National Park Service does not listen to the tribes. There also are tribal feelings that the oral histories are not being given the same weight as the scientific studies.

The National Park Service tried to address these concerns in various ways. The National Park Service held several additional consultation meetings than had been originally planned, and scheduled these meetings at locations and times convenient to the tribes. Prior to each meeting, tribal representatives were phoned, faxed, and sent meeting materials and travel arrangement information. The National Park Service also traveled to tribal headquarters to meet with tribal members. Prior to these meetings, press releases were sent out and notices were placed in local papers. Also in response to tribal concerns, the National Park Service satisfied the initial request from the tribes to pay consultation and travel fees, and formulated and signed a Memorandum of Understanding (MOU) with the tribes regarding the project. The National Park Service provided funding through Cooperative Agreements for three of the four tribes



ILLUSTRATION 3-1: Public Open House on the Sand Creek Massacre project, Denver Public Library, March 18, 1999. *Tom Meier*



ILLUSTRATION 3-2: Sand Creek Massacre Project Meeting, Lamar, Colorado, April 19-20, 1999. *Tom Meier*

to independently complete oral histories and traditional tribal methods for the site location phase of the project. The National Park Service also modified project materials based on tribal review comments.

Consultation associated with this and other projects has revealed differing opinions of what consultation means. Some tribal governments view consultation as a seat at the decision-making table. The National Park Service views consultation as gathering of information that will influence policy and decision-making.

State Consultation and Coordination

The Sand Creek Massacre National Historic Site Study Act of 1998 also directed that both phases of the Sand Creek Massacre project be prepared in consultation with the State of Colorado. For the purposes of this project, the State of Colorado was represented by the Colorado Historical Society. Georgianna Contiguglia, president of the Colorado Historical Society, designated Susan Collins, state archeologist, as the official representative for the project. David Halaas, state historian, served as the primary contact and attended all of the formal and informal consultation meetings, as well as the information meetings. David Halaas also was present during the geomorphological and archeological fieldwork, and assisted in archival research and oral history efforts. All written work products generated by the National Park Service and related to the Sand Creek Massacre project were prepared in draft form and submitted to the State of Colorado for review and comment.

Public Involvement

Public involvement was an integral part of the Sand Creek Massacre project. As discussed above, the Sand Creek Massacre project was undertaken by the National Park Service in consultation with the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, the Northern Arapaho Tribe, and the State of Colorado. In addition, the general public was informed of the project through mailings, responses to inquiries, press releases, and public meetings. Following is a list of some of the public and tribal and state consultation meetings that were held as part of the project.

Tribal, State, and Public Information Scoping for the Development of the Draft Special Resource Study (SRS) and Environmental Assessment (EA)

July 25, 1998, Preliminary Consultation Meeting, Denver, Colorado. Prior to the passage of *The Sand Creek Massacre National Historic Site Study Act*, the National Park Service (with funding from the American Battlefield Protection Program) held a preliminary meeting on the Sand Creek Massacre project. Representatives of the Cheyenne and Arapaho Tribes and the Colorado Historical Society attended the meeting.

November 14-15, 1998, Formal Consultation Meeting, Denver, Colorado.

Following the October 1998 passage of *The Sand Creek Massacre National Historic Site Study Act*, the National Park Service held an initial consultation meeting on the project. This meeting, which initiated the information scoping process for the Sand Creek Massacre project, was attended by representatives of the State of Colorado, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe. Also in attendance were landowners, representatives of the Advisory Council on Historic Preservation, and the general public.

November 18, 1998, Oral History Meeting with the Southern Arapaho, Concho, Oklahoma. On this date, a National Park Service ethnographer traveled to Concho, Oklahoma, to meet with representatives of the Southern Arapaho Tribe to discuss the oral history portion of the Site Location Study.

December 13-14, 1998, Formal Consultation Meeting, Lamar, Colorado. In mid-December, a project meeting was held in Lamar, Colorado, with representatives of the state and the tribes, as well as members of the local public, local press, and landowners.

December 16-19, 1998, Geomorphological Fieldwork, Sand Creek Massacre Site, Kiowa County, Colorado. Prior to the geomorphological fieldwork, the National Park Service held a project meeting in Lamar, Colorado. Representatives of the state and tribes attended the meeting, as well as local landowners. Tribal representatives were also onsite during the geomorphological fieldwork.

January 27, 1999, Informal Consultation Meeting with the Northern Arapaho, Denver, Colorado. This meeting was held in Denver and was attended by representatives of the Northern Arapaho. Among the topics discussed were the Cooperative Agreement between the National Park Service and the Northern Arapaho, oral histories, and archival documentation of the Site Location Study. Following this meeting, historical records pertaining to the location of the Sand Creek Massacre site that were in the files of the National Park Service were copied for the archives of the Northern Arapaho Tribe.

February 1-5, 1999, Interviews with Local Residents, Vicinity of Eads and Lamar, Colorado. During this week, National Park Service historians met with representatives of the local historical societies, including the Kiowa County Museum and Historical Society in Eads and the Big Timber Museum in Lamar. They also conducted numerous interviews with local residents, particularly those who had either collected or knew people who had collected artifacts relating to the Sand Creek Massacre site.

February 8-11, 1999, Information Meeting with the Cheyenne and Arapaho Tribes of Oklahoma and the Oklahoma Historical Society, Concho and Clinton, Oklahoma. During this week, representatives of the National Park Service and the Colorado Historical Society traveled to Oklahoma to conduct research, set up oral history interviews, and meet with representatives of the Cheyenne and Arapaho Tribes and the Oklahoma Historical Society.

February 14-18, 1999, Information and Oral History Meeting with the Northern Cheyenne, Lame Deer, Montana. During this trip, representatives of the National

Park Service and the Colorado Historical Society met with representatives of the Northern Cheyenne Sand Creek Massacre Descendants Group and the Northern Cheyenne Tribe, as well as the Bureau of Indian Affairs Superintendent of the Northern Cheyenne Reservation.

February 22-24, 1999, Information and Oral History Meeting with the Northern Arapaho, Wind River Reservation, Wyoming. During this trip, members of the National Park Service project team traveled to the Wind River Reservation to meet with representatives of the Northern Arapaho Tribe in order to discuss the Sand Creek Massacre project.

February 1999, Informal Consultation Meeting with the Southern Arapaho, Denver, Colorado. During February 1999, members of the Southern Arapaho Tribe traveled to Denver for an informal consultation meeting with the National Park Service.

March 10, 1999, Public Open House, Lamar, Colorado. On March 10, 1999, an open house on the Sand Creek Massacre Site Location Study was held from 2 to 7 p.m. at the Lamar Community Center in Lamar, Colorado. The purpose of the open house was to help keep the public informed about the project. Members of the Sand Creek Massacre project team – including tribal representatives, property owners, and a representative from Senator Ben Nighthorse Campbell's office – were available to answer questions about the project.

March 11-12, 1999, Interviews with Local Residents, Vicinity of Lamar, Colorado. Following the public meeting in Lamar, National Park Service staff conducted additional research and interviews with local residents.

March 18, 1999, Public Open House, Denver, Colorado. On March 18, 1999, an open house on the Sand Creek Massacre Site Location Study was held from 2 to 7 p.m. in the Conference Room of the Central Library of the Denver Public Library. As in the case of the Lamar open house, the purpose was to help keep the public informed about the project. Members of the National Park Service Sand Creek Massacre project team – including tribal representatives – were available to answer questions about the project.

April 7-9, 1999, Northern Arapaho Oral Histories, Wind River Reservation, Wyoming. In April 1999, the Northern Arapaho began their Sand Creek Massacre oral history project. As part of this effort, the Northern Arapaho Tribe conducted an oral history workshop, which was attended by a National Park Service ethnographer.

April 19-20, 1999, Formal Consultation Meeting, Lamar, Colorado. Among the topics on the agenda for this two-day meeting were the procedures and protocols regarding the discovery of artifacts and human remains during the archeological fieldwork, oral histories, and the Cooperative Agreements between the National Park Service and the tribes. Also as part of this meeting, the National Park Service provided representatives of the Colorado Historical Society and the tribes the opportunity to participate in an aerial reconnaissance of Sand Creek.

April 21-22, 1999, Geomorphological Fieldwork, Sand Creek Massacre Site, Kiowa County, Colorado. Following a two-day meeting, additional

geomorphological fieldwork was conducted at the Sand Creek Massacre site. Members of the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne, and the Northern Arapaho were present during the geomorphological fieldwork.

May 17, 1999, Formal Consultation Meeting, Lamar, Colorado. Prior to the beginning of the archeological fieldwork, the National Park Service held a consultation meeting with tribal representatives and local landowners.

May 17-27, 1999, Archeological Fieldwork, Sand Creek Massacre Site, Kiowa County, Colorado. Members of the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne, and the Northern Arapaho were present during the entire archeological fieldwork and participated in those investigations. Also during this time, tribal representatives visited various sites in the vicinity to evaluate them in terms of traditional tribal knowledge and oral histories.

June 1-6, 1999, Oral History Interviews with Southern Cheyenne Sand Creek Massacre Descendants, Clinton, Oklahoma. In June 1999, during the first phase of Sand Creek Massacre oral histories with members of the Southern Cheyenne Tribe, National Park Service staff interviewed massacre descendants. Also participating in the interview sessions was a representative from the Colorado Historical Society.

June 27-30, 1999, Informal Consultation, Oral History Discussions, and Public Meetings with the Northern Cheyenne, Lame Deer and Hardin, Montana. In June 1999, National Park Service staff traveled to Lame Deer, Montana, to consult with representatives of the Northern Cheyenne and to hold two public information meetings. National Park Service staff also attended a tribal council meeting.

August 17-20, 1999, Oral History Interviews with Southern Cheyenne Sand Creek Massacre Descendants, Clinton, Oklahoma. The second session of oral history interviews with Southern Cheyenne descendants of the Sand Creek Massacre was held in August 1999. National Park Service staff conducted the interviews.

August 1999, Informal Consultation Meeting with the Northern Arapaho, Golden, Colorado. In August 1999, representatives of the Northern Arapaho Tribe traveled to Golden, Colorado, for an informal meeting with the National Park Service regarding the Sand Creek Massacre project.

September 27-30, 1999, Oral History Consultation with the Northern Arapaho, Wind River Reservation, Wyoming. As part of the Northern Arapaho Sand Creek Massacre Oral History Project, a National Park Service ethnographer met with tribal members to listen to taped interviews and to assist in the transcription of the tapes.

October 5-7, 1999, Formal Consultation Meeting, Denver, Colorado. In October 1999, the National Park Service held the first formal consultation meeting following the archeological survey of the Sand Creek Massacre site. This meeting was attended by representatives of the tribes and the state, as well as by numerous landowners within the Sand Creek Massacre site boundary. The meeting included the initial discussions regarding the Special Resource Study/Environmental Assessment phase of the project and the development of management alternatives for the Sand Creek Massacre site.

January 11-13, 2000, Formal Consultation Meeting, Denver, Colorado. This meeting was attended by representatives of the tribes and the state, numerous landowners, and Kiowa County commissioners. The meeting agenda included a presentation on the Site Location Study, as well as discussions regarding the development of management alternatives for the Sand Creek Massacre site.

January 18-28, 2000, Oral History Interviews with the Northern Cheyenne, Lame Deer, Montana. During the first phase of the Northern Cheyenne Sand Creek Massacre oral history project, a National Park Service ethnographer traveled to Montana to interview Northern Cheyenne descendants of the massacre.

February 8-18, 2000, Oral History Interviews with the Northern Cheyenne, Lame Deer, Montana. The second phase of oral history interviews with Northern Cheyenne Sand Creek Massacre descendants was held during this time; this session included the final editing of the oral history transcripts.

February 9, 2000, Formal Consultation Meeting, Billings, Montana. National Park Service staff and representatives of the tribes and state met in Billings, Montana, to further develop draft management alternatives for the Sand Creek Massacre site.

February 16-18, 2000, Information Meetings with Tribal Members, Concho, Clinton, Watonga, and Geary, Oklahoma. During a two-day trip to Oklahoma, National Park Service staff attended four public meetings in Oklahoma to present information on the Sand Creek Massacre project.

February 28, 2000, Oral History Interviews with the Northern Arapaho, Wind River, Wyoming. On this date, the National Park Service participated in the completion of the Northern Arapaho oral histories for the Sand Creek Massacre project.

March 2, 2000, Public Meeting, Eads, Colorado. This meeting, organized by the Kiowa County Commissioners, was attended by landowners within and adjacent to the boundary of the Sand Creek Massacre site and focused on land issues associated with the draft management alternatives.

March 16, 2000, Formal Consultation Meeting with the Northern Arapaho, Denver, Colorado. As part of the process to complete the draft Sand Creek Massacre project reports, representatives of the Northern Arapaho Tribe traveled to Denver to meet with National Park Service staff to present their review comments of these documents.

March 22, 2000, Formal Consultation Meeting with the Cheyenne and Arapaho Tribes of Oklahoma and the Northern Cheyenne, Denver, Colorado. As part of the process to complete the draft Sand Creek Massacre project reports, representatives of the Cheyenne and Arapaho Tribes of Oklahoma and the Northern Cheyenne Tribe met with National Park Service staff to present their review comments of these documents.

The meeting on March 22, 2000, marked the close of the public information scoping process for the development of the draft Special Resource Study (SRS)/Environmental Assessment (EA) for the Sand Creek Massacre Site. That process – which included consultation with the general public, the State of Colorado, the Cheyenne and Arapaho

Tribes of Oklahoma, the Northern Arapaho Tribe, and the Northern Cheyenne Tribe – had begun with the first formal project meeting on November 14-15, 1998.

Public Comment Period on the Draft Special Resource Study (SRS) and Environmental Assessment (EA)

The public comment period on the draft Special Resource Study (SRS)/Environmental Assessment (EA) began on May 8, 2000 and closed on June 8, 2000. Meetings associated with the public comment period included the following:

May 1, 2000, Public Meeting at the Northern Cheyenne Tribal Headquarters, Lame Deer, Montana. On May 1, a public meeting on the Sand Creek Massacre project was held at the Northern Cheyenne tribal headquarters in Lame Deer, Montana. Information on the Special Resource Study and the three proposed management alternatives, as well as public comment forms, were distributed. Public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 5, 2000, Public Meeting at the Northern Arapaho Tribal Headquarters, Riverton, Wyoming. On May 5, a public meeting on the Sand Creek Massacre project was held at the Holiday Inn in Riverton, Wyoming. Information and comment forms were distributed, and public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 8, 2000, Public Meeting in Denver, Colorado. On May 8, a public meeting was held at the Colorado Historical Society in Denver on the draft Special Resource Study (SRS)/Environmental Assessment (EA) of the Sand Creek Massacre site. The meeting initiated the formal public comment period on the draft Special Resource Study (SRS)/Environmental Assessment (EA). Information on the three proposed management alternatives, as well as public comment forms, were distributed. Public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 11, 2000, Public Meeting in Eads, Colorado. On May 11, a public meeting was held at the county fairgrounds in Eads, the closest community to the massacre site, regarding the proposed management alternatives for the Sand Creek Massacre site. Information on the Special Resource Study and the three proposed management alternatives, as well as public comment forms, were distributed. Public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 12, 2000, Public Meeting in Lamar, Colorado. On May 12, a public meeting was held at the Cow Palace/Best Western in Lamar, Colorado, which is approximately 40 miles from the Sand Creek Massacre site. Information on the Special Resource Study and the three proposed management alternatives, as well as public comment forms, were distributed. Public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 17, 2000, Public Meeting in Clinton, Oklahoma. On May 17, a public meeting was held at the Senior Nutrition Center in Clinton. The purpose of the meeting was to

present to members of the Cheyenne and Arapaho Tribes of Oklahoma the proposed management alternatives for the Sand Creek Massacre site. Information on the Special Resource Study and the three proposed management alternatives, as well as public comment forms, were distributed. Public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 18, 2000, Public Meeting in Watonga, Oklahoma. On May 18, a public meeting was held at the Smoke Shop/Community Center in Watonga, Oklahoma. As in the case of the previous day's meeting in Clinton, the purpose was to present to members of the Cheyenne and Arapaho Tribes of Oklahoma the proposed management alternatives for the Sand Creek Massacre site. Information on the Special Resource Study and the three proposed management alternatives, as well as public comment forms, were distributed. Public input from this meeting was incorporated into the final Special Resource Study/Environmental Assessment.

May 23, 2000, Meeting with Kiowa County Commissioners. On May 23, National Park Service staff, as well as a representative of Senator Ben Nighthorse Campbell's office, traveled to Eads, Colorado, to meet with the Kiowa County Commissioners. The purpose of the meeting was to discuss various land issues associated with the establishment of a national historic site.

June 8, 2000, Formal Consultation Meeting, Denver, Colorado. In order to finalize the Sand Creek Massacre Special Resource Study (SRS)/Environmental Assessment (EA), representatives of the tribes and the state met in Denver to review public comments and final changes to the report. This meeting on June 8, 2000, marked the end of the public comment period on the Special Resource Study (SRS)/Environmental Assessment (EA).

CHAPTER 4

THE SAND CREEK MASSACRE

It was not light yet next morning when I was awakened by people shouting that soldiers were coming. . . . By the dim light I could see the soldiers, charging down on the camp from each side . . . At first the people stood huddled in the village, but as the soldiers came on they broke and fled. . . . The main body of Indians retreated up the creek. I joined a party of about ten middle-aged Cheyenne warriors who were making for the sand hills west of the creek, but the soldiers' fire was too hot for us and we were forced to turn back into the stream's bed again. Next we started up the creek with two companies of cavalry following us and keeping up a hot running-fight all the way. We passed a great many dead Indians, lying in the wet sand of the creek's bottom . . .

George Bent, *Forty Years with the Cheyennes*

They were terribly mutilated, lying there in the water and sand; most of them in the bed of the creek, dead and dying, making many struggles. They were so badly mutilated and covered with sand and water . . .

John S. Smith, U.S. Indian interpreter, March 14, 1865.

At dawn on November 29, 1864, approximately 700 U.S. volunteer soldiers commanded by Colonel John M. Chivington attacked a village of about 500 Southern Cheyenne and Arapaho Indians along Sand Creek in southeastern Colorado Territory.[?] Using small arms and howitzer fire, the troops drove the people out of their camp.

[?]Sand Creek's official name is "Big Sandy Creek," which is how it appears on U.S.G.S. maps. However, the creek is commonly known as "Sand Creek," and is referred to by that name in both Volumes 1 and 2 of the *Sand Creek Massacre Project* report.

While many managed to escape the initial onslaught, others, particularly noncombatant women, children, and the elderly fled into and up the bottom of the dry streambed. The soldiers followed, shooting at them as they struggled through the sandy earth. At a point several hundred yards above the village, the people frantically excavated pits and trenches along either side of the streambed to protect themselves. Some attempted to fight back with whatever weapons they had managed to retrieve from the camp, and at several places along Sand Creek the soldiers shot the people from opposite banks and presently brought forward the howitzers to blast them from their scant defenses. Over the course of seven hours the troops succeeded in killing at least 150 Cheyennes and Arapahos composed mostly of the old, the young, and the weak. During the afternoon and following day, the soldiers wandered over the field committing atrocities on the dead before departing the scene on December 1 to resume campaigning.

Since the day it happened, the Sand Creek Massacre has maintained its station as one of the most emotionally charged and controversial events in American history, a tragedy reflective of its time and place. The background of Sand Creek lay in a whirlwind of events and issues registered by the ongoing Civil War in the East and West, the overreactions by whites on the frontier to the 1862-63 Dakota uprising in Minnesota and its aftermath, the status of the various bands of Southern Cheyenne and Arapaho Indians *vis-a-vis* each other as well as other plains tribes, the constant undercurrent of threatened Confederate incursions, along with the existing state of politics in Colorado and the self-aggrandizing machinations of individual politicians in that territory. Perhaps most important, the seeds of Sand Creek lay in the presence of two historically discordant cultures within a geographical area that both coveted for disparate reasons, a situation designed to insure conflict.

General Background

Throughout the first years of the Civil War, Colorado officials brooded over possible secessionist tendencies of the territory's populace, and apprehensions arose over Confederate influences in Texas, the Indian Territory, and New Mexico potentially spilling across the boundaries to disrupt Colorado's relations with its native inhabitants. In Colorado Territory, reports of the Minnesota Indian conflict fostered an atmosphere of fear and suspicion that, however unjustified, contributed to the war with the Cheyenne and Arapaho Indians in 1864-65. During 1862 and 1863, most area depredations involved not warriors from these tribes, but Shoshonis and Utes whose repeated raids on emigrant and mail routes south and west of Fort Laramie (in present southeastern Wyoming) disrupted traffic and threatened the course of Euro-American settlement. Aggressive campaigning in 1863 by columns of California and Kansas troops, including the massacre of a village of Shoshonis at Bear River in present Idaho by a force commanded by Colonel Patrick E. Connor, abruptly ended these tribes' forays. Meanwhile, on the plains east of the Rocky Mountains, conflicts were mostly confined to bands of Kiowas, Kiowa-Apaches, Arapahos, and



ILLUSTRATION 4-1: 1866 Map depicting the Cheyenne and Arapaho Reservation in Colorado established by the 1861 Treaty of Fort Wise. The eastern boundary of the reservation was Big Sandy Creek. The southern boundary was the Arkansas River.
Western History Department, Denver Public Library

occasionally Comanches, who stopped wagon trains bound over the Santa Fe Trail; elsewhere, the Lakotas and Pawnees maintained traditional conflicts with each other, encounters with but incidental impact on regional white settlement.¹

Cheyennes and Arapahos

Of all the plains tribes, the Cheyennes and Arapahos appear to have been in least conflict with white settlers at this particular time. Both tribes had been in the region for decades. The Cheyennes, Algonkian-speaking people whose agriculturalist forbears migrated from the area of the western Great Lakes, had occupied the buffalo prairies east of the Missouri River by the late seventeenth century. With the acquisition of horses their migration proceeded, and over the next few decades the Cheyennes ventured beyond the Black Hills as far north as the Yellowstone River and south to below the Platte. By the first part of the nineteenth century, the tribe had separated into northern and southern bodies that still maintained strong band and family relationships. In the conflicts that followed over competition for lands and game resources, the Cheyennes became noted fighters who forged strong intertribal alliances with the Lakotas and the Arapahos. The Arapahos, Algonkian speakers possibly from the area of northern Minnesota, had located west of the Missouri River by at least the late 1700s and probably very much earlier, and by the early nineteenth century were variously established in what is now Montana, Wyoming, South Dakota, Nebraska, and Colorado. Their alliance with the Cheyennes extended back to the Cheyennes' entrance onto the eastern prairies, when both were semisedentary peoples, and was grounded in mutual enmity (at that time) toward the Lakotas' growing regional domination as well as intertribal trade considerations. (Like the Cheyennes, in time the Arapahos gravitated into northern and southern regional divisions, with the southern group eventually coalescing in the area that included south-central Colorado.) Despite occasional Cheyenne-Arapaho rifts, mutual warfare with surrounding groups during the early 1800s solidified their bond and presently included the Lakotas; together, the three tribes variously fought warriors of the Kiowas and Crows, and in the central plains Arapaho and Cheyenne warriors drove the Kiowas and Comanches south of the Arkansas River. A relatively small tribe, the Arapahos were driven by circumstances to become resourceful in the face of intertribal conflicts and the potential adversity wrought by the presence of Anglo-Americans.²

¹Robert M. Utley, *Frontiersmen in Blue: The United States Army and the Indian, 1848-1865* (New York: The Macmillan Company, 1967), pp. 281-83; Alvin M. Josephy, Jr., *The Civil War in the American West* (New York: Alfred A. Knopf, 1991), pp. 292-94; Elliott West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University Press of Kansas, 1998), p. 287. The most definitive presentation of the events leading to Sand Creek appears in Gary L. Roberts, "Sand Creek: Tragedy and Symbol" (unpublished doctoral dissertation, dated 1984, University of Oklahoma, Norman), chapters 2 through 8.

²For Cheyenne history and culture, see, Peter J. Powell, *Sweet Medicine: The Continuing Role of the Sacred Arrows, the Sun Dance, and the Sacred Buffalo Hat in Northern Cheyenne History* (2 vols.; Norman: University of Oklahoma Press, 1969); John H. Moore, *The Cheyenne* (Cambridge, Mass.: Blackwell Publishers, 1996); John H. Moore, *The Cheyenne Nation* (Lincoln: University of Nebraska Press, 1987); Donald J. Berthrong, *The Southern Cheyennes* (Norman: University of Oklahoma Press,

Treaty of Fort Wise

In 1851 the Cheyennes and Arapahos subscribed to the Treaty of Fort Laramie, which assigned them land lying between the North Platte River on the north and the Arkansas River on the south running from the area of the Smoky Hill River west to the Rocky Mountains. By the late 1850s the southern divisions of both tribes ranged through central Kansas and eastern Colorado as they pursued their hunting and warring routine with enemy tribes, and for the most part ignored the gradual inroads of whites into their country. In 1857 the Southern Cheyennes experienced a confrontation with troops at Solomon's Fork, Kansas,³ and their subsequent attitude toward whites had become one of tolerance and avoidance. During the Colorado gold rush and the concomitant movement by whites into and through the territory, most of the Cheyennes and Arapahos remained peaceable, and peace factions headed by Black Kettle and White Antelope of the Cheyennes and Little Raven of the Arapahos sought to continue that status. But the tide of emigration associated with the gold rush, particularly along the Platte and Arkansas valleys, led government authorities to impose new strictures on the people.

In 1861, these chiefs touched pen to the Treaty of Fort Wise, a document that surrendered most of the Indian territories as previously acknowledged by the Fort Laramie Treaty and granted them instead a triangular-shaped tract along and north of the upper Arkansas River in eastern Colorado, where they would henceforth receive government annuities and learn to till the land. The accord, however, did not include the consent of all Cheyennes and Arapahos living in the Platte country, and those leaders who signed drew enduring resentment from the northerners who were resisting such changes. Many of the affected people, including the band of Southern Cheyenne Dog Soldiers who repudiated the concept of any territorially confining pact, continued their age-old pursuits in the buffalo country, and refused to move onto the new reservation. Similarly, the Kiowas and Comanches, to the south, remained disinclined to participate in the treaty.⁴

The immediate circumstances leading to Sand Creek grew out of the Treaty of Fort Wise and the desire of Colorado Territorial Governor John Evans to seek total

1963); George Bird Grinnell, *The Cheyenne Indians* (2 vols.; New York: Cooper Square, 1923); John Stands In Timber and Margot Liberty, *Cheyenne Memories* (New Haven: Yale University Press, 1967); and Peter J. Powell, *People of the Sacred Mountain: A History of the Northern Cheyenne Chiefs and Warrior Societies, 1830-1879, with an Epilogue, 1969-1974* (2 vols.; San Francisco: Harper and Row, 1981). For the Arapahos, see Virginia Cole Trenholm, *The Arapahoes, Our People* (Norman: University of Oklahoma Press, 1970); John R. Swanton, *The Indian Tribes of North America* (Washington: Smithsonian Institution Press, 1971), pp. 384-86; and Loretta Fowler, *Arapahoe Politics, 1851-1978* (Lincoln: University of Nebraska Press, 1982).

³For the Solomon's Fork encounter, see William Y. Chalfant, *Cheyennes and Horse Soldiers: The 1857 Expedition and the Battle of Solomon's Fork* (Norman: University of Oklahoma Press, 1989).

⁴Berthrong, *The Southern Cheyennes*, pp. 148-52; Utley, *Frontiersmen in Blue*, pp. 283-84; George Bird Grinnell, *The Fighting Cheyennes* (New York: Charles Scribner's Sons, 1915), p. 120; Stan Hoig, *The Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961), pp. 12-17; David F. Halaas, "'All the Camp was Weeping': George Bent and the Sand Creek Massacre," *Colorado Heritage* (Summer, 1995), p. 7.



ILLUSTRATION 4-2: Black Kettle. *Washita Battlefield, National Park Service*

adherence to it by all of the Cheyennes and Arapahos. Within the atmosphere prevailing in the wake of the Minnesota outbreak, Evans, an ambitious visionary, became committed to eliminating all Indians from the plains so that Euro-American travel and settlement could proceed safely and without interruption; he was also interested in seeing the transcontinental railroad reach Denver and wanted eastern Colorado free of tribesmen to facilitate that development. Adding to this, Evans and others feared that the tribes might somehow be influenced by the Confederate cause, to include being drawn into a plan to cut

communications between the East and California by seizing posts in the Platte and Arkansas valleys. Concentrated on the Upper Arkansas Reservation, the Indians might not only be better controlled, but would be altogether cleared from roads used by miners and settlers, and to this end Evans invited the tribal leadership to attend a council scheduled for September 1863 on the plains east of Denver.

The Cheyennes and Arapahos were clearly not interested, however, and none appeared to negotiate; most regarded the treaty as a swindle and refused to subject themselves to living on the new reserve. They, moreover, believed the area devoid of buffalo, whereas the plains of central Kansas still afforded plentiful herds. Coincidentally, at Fort Larned, Kansas, a Cheyenne man was killed in an incident that fueled considerable controversy among the Indians and resolved them even further against more treaties. Governor Evans took the refusal to assemble as a sign that the tribes were planning war; he used the rebuff, along with rumored incitations of area tribes by northern Sioux, to promote the notion to federal officials that hostilities in his territory

were imminent. Although Evans may have sincerely believed that his territory was in grave danger, it has been suggested that he lobbied to create a situation that would permit him to forcibly remove the tribesmen from all settled areas of Colorado.⁵

Governor Evans, Colonel Chivington, and the Plains War of 1864

Evans's accomplice in the evolving scenario was Colonel John M. Chivington, a former Methodist minister who had garnered significant victories against Confederate troops at Apache Canyon and Glorieta Pass in New Mexico. Nicknamed "The Fighting Parson," Chivington governed the Military District of Colorado within the Department of the Missouri, whose commanders were often preoccupied with operations elsewhere, thus affording him an opportunity to play out his military and political fortunes on the Colorado frontier. In January 1864, reorganization of the military hierarchy placed Chivington's district under Major General Samuel R. Curtis's Department of Kansas, a jurisdiction that remained considerably immersed in campaigns against Confederates in eastern Kansas and the Indian Territory, thus leaving Chivington to pursue his interests with total independence. As the war proceeded in the East, however, both Chivington and Evans grew alarmed at seeing territorial troops increasingly diverted to help fight Confederate forces in Missouri and Kansas. Evans lobbied for their return, and requested that regulars be sent to guard the crucial supply and communication links along the Platte and Arkansas valleys. Facing widespread manpower deficits in the East, Washington initially rejected his appeals.⁶

Chivington endorsed Evans's notion that the Indians in his territory were ready for war, even though evidence indicates that, despite the transgressions of a few warriors, the tribesmen believed they were at peace. In April 1864, however, when livestock, possibly strayed from ranches in the Denver and South Platte River areas, turned up in the hands of Cheyenne Dog Soldiers, Evans and Chivington interpreted it as provocation for the inception of conflict. In response, troops of the First Colorado Cavalry skirmished with those Indians at Fremont's Orchard along the South Platte River. Acting on Chivington's orders to "kill Cheyennes wherever and whenever found," soldiers during the following month assaulted numerous innocent Cheyenne camps, driving out the people and destroying their property, and in one instance killed a peace chief named Starving Bear, who had earlier headed a delegation that met with President Abraham Lincoln in Washington. In retaliation, parties of warriors mounted raids along the roads in Kansas, especially between Forts Riley and Larned, but refrained from all-out conflict. Attempting to stem the trouble, Curtis's inspector-general advised against further Chivington-like forays and instead counseled conciliation with the Cheyennes and protection of the travel routes. He complained

⁵Roberts, "Sand Creek," pp. 76-108; Utley, *Frontiersmen in Blue*, p. 284; Grinnell, *The Fighting Cheyennes*, pp. 121-29; Josephy, *Civil War in the American West*, pp. 295, 297-98; Berthrong, *The Southern Cheyennes*, pp. 155, 158-61, 166-69.

⁶Utley, *Frontiersmen in Blue*, pp. 284-85; Josephy, *Civil War in the American West*, p. 299.

that the Colorado men did “not know one tribe from another and . . . will kill anything in the shape of an Indian.”

But it was too late. Following the murders of several more of their people, the Cheyennes escalated their raiding, and their camps soon swelled with stolen goods. Marauding warriors from among the Arapahos, Kiowas, and Lakotas, often minus the endorsement of their chiefs, opened attacks on white enterprises along the trails bordering the Platte, Smoky Hill, and Arkansas rivers in Nebraska and Kansas, killing more than thirty people and capturing several women and children. In Colorado, warriors attacked and murdered an entire family, the Hungates, on Box Elder Creek but thirty miles from

Denver; public display of their bodies, coupled with fearful pronouncements from Governor Evans’s office, drove most citizens from isolated ranches and communities to seek protection in Denver. In one panicked missive to the War Department, Governor Evans called for 10,000 troops. “Unless they can be sent at once,” he intoned, “we will be cut off and destroyed.” Although the Cheyennes received blame for the Hungate tragedy, Arapahos later confessed to the deed.⁷

Responding to the crisis, in July and August 1864, General Curtis directed several columns of troops to scour the country west, north, and south of Fort Larned. While

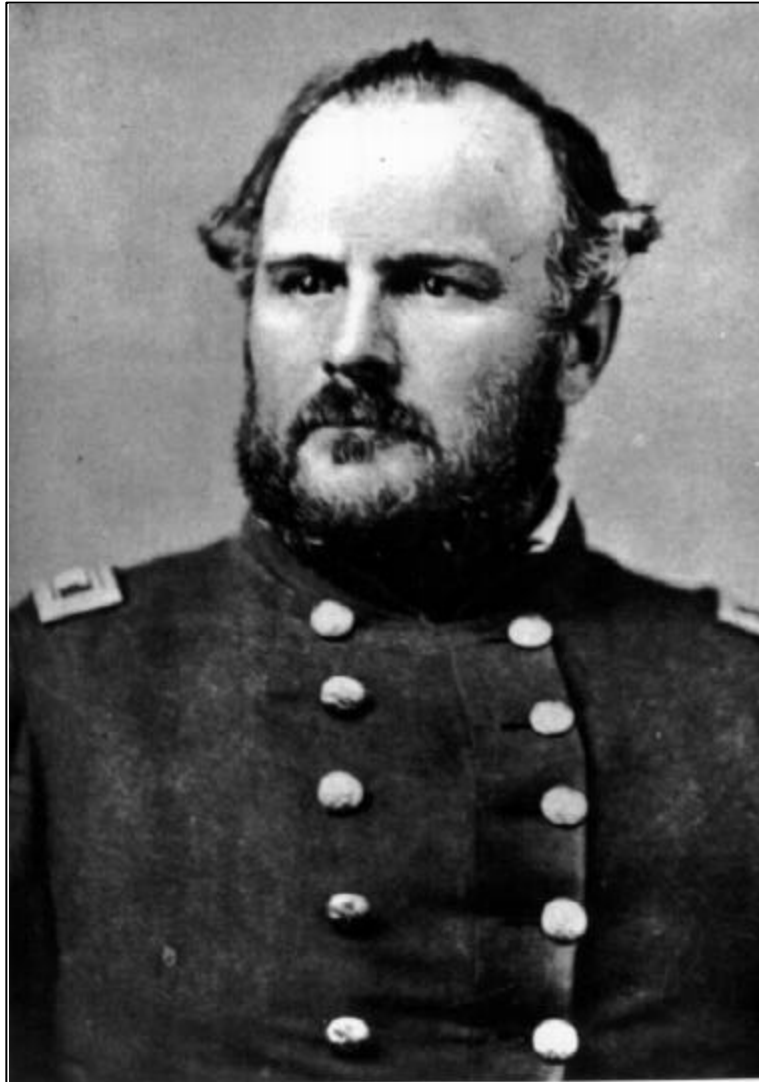


ILLUSTRATION 4-3: John Chivington. *Western History Department, Denver Public Library*

⁷Utley, *Frontiersmen in Blue*, pp. 285-87; Halaas, “George Bent and the Sand Creek Massacre,” p. 7; Berthrong, *The Southern Cheyennes*, pp. 176-91; Hoig, *The Sand Creek Massacre*, pp. 36-90; West, *Contested Plains*, pp. 289-91; Grinnell, *The Fighting Cheyennes*, pp. 131-42. The quotes are cited in Josephy, *Civil War in the American West*, pp. 300, 303.

the campaign brought meager results, it succeeded in opening the traffic route west along the Arkansas because of increased garrisons at the Kansas and Colorado posts. Curtis now strengthened his administration of the area by establishing a single district, the District of the Upper Arkansas, commanded by Major General James G. Blunt, to replace those that had previously monitored Indian conditions. Similar administrative changes were made in Nebraska. There, in August, Cheyennes attacked homes along the Little Blue River, killing 15 settlers and carrying off others. In response, Curtis mounted a strong campaign of Nebraska and Kansas troops to search through western Kansas, but the soldiers found no Indians. Similarly, in September General Blunt led an expedition out of Fort Larned in south-central Kansas, eventually heading north seeking Cheyennes reported in the area. On September 25, two companies of Colorado troops under Major Scott J. Anthony encountered a large village of Cheyennes and Arapahos on Walnut Creek and engaged them, fighting desperately until Blunt arrived with support. The command pursued the Indians for two days, then withdrew from the field.⁸

Peace Initiatives

Following these operations, Blunt and Curtis became distracted from the Indian situation by a sudden Confederate incursion into Missouri that demanded their immediate attention. The diversion permitted Colonel Chivington to step forward, just at a time when the Cheyennes, Arapahos, and other tribes began slackening the war effort in preparation for the winter season. Buffalo hunting now superseded all else, and Cheyenne leaders like Black Kettle, who had previously urged peace, regained influence. Black Kettle learned of a proclamation issued by Governor Evans calling upon all “Friendly Indians of the Plains” to divorce themselves from the warring factions and to isolate their camps near military posts to insure their protection. Those who did not thus surrender would henceforth be considered hostile. In late August, the chief notified Major Edward W. Wynkoop, commander at Fort Lyon, on the Arkansas River near present Lamar, Colorado, of his desire for peace. Following up, Wynkoop led his command of First Colorado Cavalry out to meet Black Kettle and the Arapaho leader, Left Hand, at the big timbers of the Smoky Hill River, near Fort Wallace, Kansas. At the council, the Cheyennes and Arapahos turned over several captive whites and consented to meet with Evans and Chivington in Denver to reach an accord. Then Black Kettle and the other leaders followed Wynkoop back to Fort Lyon.

When Black Kettle and six headmen arrived in Denver, the city was in turmoil because of the conditions wrought by the Indian conflict. Incoming supplies of food and merchandise had been stopped by the warfare, and the citizenry was still shaken by the Hungate murders. Furthermore, in August, the governor had published a

⁸Hoig, *The Sand Creek Massacre*, pp. 91-97; Utey, *Frontiersmen in Blue*, pp. 287-89; Josephy, *Civil War in the American West*, pp. 301-04; Berthrong, *The Southern Cheyennes*, pp. 193-208; Grinnell, *The Fighting Cheyennes*, pp. 155-58. For a participant’s view of these broad operations, see Eugene F. Ware, *The Indian War of 1864* (New York: St. Martin’s Press, 1960).



ILLUSTRATION 4-4: Indian Chiefs Arriving in Denver for Peace Negotiations, 1864. *Western History Department, Denver Public Library*

proclamation contradicting his earlier one and that called upon citizens to kill all Indians and seize their property, effectively extending an invitation for wholesale bloodshed and thievery. Evans had meantime received from federal authorities permission to raise a regiment of 100-day United States volunteers, to be designated the Third Colorado Cavalry, and Chivington was preparing it for field service. All of these developments made Evans's earlier pronouncements ring hollow, especially with many of the territory's citizens clamoring for vengeance. Moreover, the governor needed to back up his earlier war predictions with Washington officials and clear up questions regarding the status of Indian lands in Colorado. And if the tribes went unpunished, he believed it would likely only encourage them to renew the warfare next year.⁹

⁹Hoig, *Sand Creek Massacre*, pp. 98-107; Utley, *Frontiersmen in Blue*, pp. 290-91; Halaas, "George Bent and the Sand Creek Massacre," pp. 7-9; Josephy, *Civil War in the American West*, pp. 305-06; West, *Contested Plains*, p. 291; Grinnell, *The Fighting Cheyennes*, pp. 152-53.



ILLUSTRATION 4-5: Participants in the Camp Weld Peace Negotiations, 1864. Back Row, left to right: unidentified, unidentified, John Smith, Heap of Buffalo, Bosse, unidentified, unidentified; Middle Row, left to right: White Antelope, Bull Bear, Black Kettle, One Eye, Na-ta-Nee; Front Row, left to right: Edward Wynkoop and Silas Soule. *Western History Department, Denver Public Library*

At the council at Camp Weld near Denver on September 28, 1864, Evans spoke evasively to the chiefs, informing Black Kettle that, although his people might still separate themselves from their warring kin, they must make their peace with the military authorities, in essence turning the situation over to Chivington. Anxious for peace, Black Kettle and his entourage acceded to all conditions and Chivington told them that they could report to Fort Lyon once they had laid down their arms. But the Camp Weld meeting was fraught with “deadly ambiguities.” The Indians departed the proceedings convinced that since they had already been to the post they had made peace, although neither Evans nor Chivington admitted that such was the case. Further, a telegram from General Curtis admonished that “I want no peace until the Indians suffer more . . . [and only upon] my directions.” Evans notified Washington authorities of the continued hostility of the tribesmen and of the need to deal with them by force of arms, noting that “the winter . . . is the most favorable time for their

chastisement.” Yet, in consequence of the Camp Weld meeting, Black Kettle prepared his people to accept the conditions and surrender themselves as prisoners of war.¹⁰

First to arrive in late October at Fort Lyon were 113 lodges of Arapahos under Little Raven and Left Hand. Because as prisoners the Arapahos could not hunt, Major Wynkoop issued rations to the destitute people while assuring them of their safety. But Wynkoop’s action directly countered General Curtis’s policy of punishing the tribes, and when word of his charity reached district headquarters at Fort Riley tempers flared. Wynkoop was summarily called there to explain his actions. At Fort Lyon, Major Scott Anthony, of Chivington’s First Colorado Cavalry, replaced him. On arrival at Fort Lyon in early November, Anthony refused the Arapahos further provisions and temporarily disarmed them. When Black Kettle reached the fort he reported that his lodges were pitched some forty miles away on Sand Creek, a location that Anthony approved because he had no rations to feed the Cheyennes. The major told them that he was seeking authority to feed them at Fort Lyon. Major Wynkoop, who the Indians trusted, had given them assurances of Anthony’s integrity, and the Cheyenne leaders had accepted these conditions prior to Wynkoop’s departure from Fort Lyon on November 26. Advised to join Black Kettle’s people on Sand Creek, only the Arapaho leader, Left Hand, complied and started his few lodges in that direction; Little Raven took his followers far away down the Arkansas.

Military Preparations

While all of this proceeded, Colonel Chivington orchestrated events in Denver that would climax in the confrontation with the Cheyennes and Arapahos on Sand Creek. Following a failed statehood vote, in which he was defeated as a candidate for Congress, Chivington directed his efforts to readying the new regiment, locally castigated as the “Bloodless Third” because its members had yet to kill a single Indian, and which was soon to close out its 100-day enlistment. Composed of but partly trained officers and undisciplined men from the local community, the Third Colorado Cavalry had been organized by Colonel George L. Shoup, who had previously served under Chivington. Earlier that fall, Chivington had envisioned attacking bands of Cheyennes reported in the Republican River country, but by November (and perhaps secretly all along) he targeted Black Kettle and his people; his every movement appeared calculated to that end, for the tribesmen technically were not at peace and were awaiting Curtis’s consent before moving to Fort Lyon. In October, in this tense atmosphere, Colonel Chivington armed his command and, with Shoup commanding the regiment, started companies south to assemble at Bijou Basin, 60 miles southeast of Denver.¹¹

¹⁰Berthrong, *The Southern Cheyennes*, pp. 210-13; Utley, *Frontiersmen in Blue*, p. 291; Hoig, *The Sand Creek Massacre*, pp. 110-28; Josephy, *Civil War in the American West*, pp. 306-07. (Quotes are in *ibid.*, p. 307); West, *Contested Plains*, p. 295; Grinnell, *The Fighting Cheyennes*, pp. 153-54.

¹¹Utley, *Frontiersmen in Blue*, pp. 292-93; Hoig, *The Sand Creek Massacre*, pp. 129-32; Berthrong, *The Southern Cheyennes*, pp. 214-15; West, *Contested Plains*, pp. 297-98; Josephy, *Civil War in the American West*, pp. 307-08.



ILLUSTRATION 4-6: Old Fort Lyon. On November 28, 1864, Colonel John Chivington led his troops out of Old Fort Lyon and followed an Indian trail to the site of the Sand Creek Massacre, approximately 37 miles to the north-northeast. The troops reached the Cheyenne and Arapaho encampment at dawn on November 29. Originally known as Fort Wise, Fort Lyon was near present-day Lamar, Colorado. *Robert Lindreaux Painting, Colorado Historical Society*

On November 14, Chivington himself marched out of Denver with companies of the Third and First Colorado Cavalry regiments headed toward the Arkansas River. The weather turned foul, and the movement was beset with drifting snows that delayed units from rendezvousing at Camp Fillmore, near Pueblo. On the 23rd, Chivington inspected the united command, then all proceeded east along the Arkansas. The troops reached Fort Lyon at midday, November 28. Chivington had traveled quickly and quietly and his approach surprised the garrison. To secure knowledge of his presence and movements, the colonel placed a cordon of pickets around the fort and refused to allow anybody to leave. At Fort Lyon, Major Anthony greeted Chivington and, apprised of his mission to find and destroy Black Kettle's camp as prelude to striking the Smoky Hill villages, gave his wholehearted support to the extent of providing additional troops and offering guidance to the village. Some officers protested that Black Kettle's people were *de facto* prisoners of the government, awaiting only General Curtis's permission before they should arrive at the post, and that to strike them would violate promises made earlier by Wynkoop as well as by Anthony. Chivington responded that it was "right and honorable to use any means under God's heaven to kill Indians that would kill women and children, and 'damn any man that was in sympathy with Indians' . . ."¹²

¹²Utley, *Frontiersmen in Blue*, pp. 293-94 (quote is from testimony of Lieutenant Joseph A. Cramer, cited in *ibid.*, p. 294); Hoig, *The Sand Creek Massacre*, pp. 135-43; Grinnell, *The Fighting Cheyennes*, pp. 159-62. Discussion of the status of Black Kettle's people prior to Chivington's attack on them is in West, *Contested Plains*, pp. 298-300.

At around 8 p.m. on the 28th, Chivington led his column out of Fort Lyon paralleling an old Indian trail that headed northeast. Scarcely any snow lay on the ground. His command consisted of Shoup's Third Colorado Cavalry and about one-half of the First Colorado Cavalry divided under Major Anthony and First Lieutenant Luther Wilson, in all about 700 men bundled in heavy overcoats. Mules pulled along four howitzers and their ammunition and equipment. Some 37 miles away on the northeast side of Sand Creek stood Black Kettle's village of approximately 100 lodges housing about 500 people. Other Cheyenne leaders in the camp were Sand Hill, White Antelope, Bear Tongue, One Eye, and War Bonnet. Also here were approximately eight Arapaho lodges with Left Hand. Although some men were present, many had gone hunting, leaving mostly women, children, and the elderly in the village. Through the night of November 28-29, all were oblivious to the closing proximity of the soldiers.¹³

The Massacre

Chivington's force kept a lively pace through the cold, moonless night, so that the first streaks of dawn on November 29 revealed the white tipis of the Cheyennes and Arapahos a few miles off to the northwest. Advancing closer, the soldiers gained a ridge overlooking Sand Creek from which they could clearly discern the camp. Pony herds ranged on either side of the stream, and Chivington dispatched units to capture and corral the animals before the Indians might use them. As the tribesmen slowly awakened, the troops descended into the dry streambed and moved northwest along it with the howitzers in tow. While troops of the First Colorado rode ahead, Chivington halted the men of the Third about one-half mile from the village so that they could remove their overcoats and other luggage. He exhorted them at the prospect before them, then sent them forward toward the camp, whose occupants had gradually become aroused at the noise of the approaching threat. Nearing the lower end of the village, the soldiers deployed their force and opened fire. As the startled Indians ran out of their homes, howitzers hurled exploding shells that turned the people away to congregate near the westernmost lodges while their leaders tried to communicate with the attackers. Then shooting erupted everywhere. The leader White Antelope ran forward, arms raised and waving for attention, but a soldier bullet cut him down. Black Kettle, proponent for peace and guardian of his people, reportedly raised an American flag and a white flag on a pole near his lodge to announce his status, but it was ignored in the heat of the onslaught.

Chivington's command continued the small arms fire from positions northeast and southeast of the camp. Caught in a crossfire, the warriors responded by attempting to shield the women, children, and elderly who ran to the back of the lodges. Most of the howitzer rounds fell short of their mark, although some burst over the village. As the soldiers advanced on horseback along either side of the creek, they kept up their

¹³The locations of the Cheyenne camp components are laid out according to George Bent in George E. Hyde, *Life of George Bent written from His Letters*, ed. Savoie Lottinville (Norman: University of Oklahoma Press, 1968), p. 149. See also, Peter John Powell, *People of the Sacred Mountain: A History of the Northern Cheyenne Chiefs and Warrior Societies, 1830-1879, with an Epilogue, 1969-1974* (2 vols.; San Francisco: Harper and Row, 1981), I, pp. 299-300.

shooting, and those on the north (east) bank of the stream passed through the fringe of the camp. The mass of people began to flee in all directions for safety. Many ran into and up the creek bottom, which appeared to afford a natural protective corridor leading away from the assault. Riding on either side of the Indians, however, the cavalry troops indiscriminately fired hundreds of rounds into the fleeing tribesmen, and began to inflict large numbers of casualties among them. Meantime, other Indians bolting the village at the opening of the attack had managed to obtain horses and were running generally north and southwest over the open terrain as they tried to elude squads of pursuing cavalymen. Many of them were chased down and killed by the flying troops.

But it was the mass of people in the streambed that drew the attention of most of the soldiers. As they reached a point several hundred yards above the village, these people – composed mostly of noncombatants – sought to find shelter in hastily dug pits and trenches in the creek bed, most excavated by hand at the base of the dry stream banks. The Sand Creek bottom was several hundred yards wide at this point, and the people sought shelter along either bank, digging hiding places and throwing the sand and dirt outward to form protective barriers. Having pursued the Cheyennes and Arapahos to this location, the troops dismounted on either side of the stream and approached cautiously. Some began firing at Indians sheltered in the pits beneath the opposite banks, while others crawled forward and discharged their weapons blindly over the top of the bank. Thus trapped, the Indian people fought back desperately with what few weapons they possessed. Shortly, however, the howitzers arrived from downstream, took positions on either side of the Sand Creek bottom, and began delivering exploding shell into the pits. This bombardment, coupled with the steady fire of the cavalry small arms, was too much for the people, and by the time the affair was over at around 2 p.m., at least 150 Cheyennes and Arapahos lay dead, most of them killed during the slaughter in the defensive pits above the village or in the stream bed as they ran from the camp to elude the soldiers. Chivington lost ten men killed and thirty-eight wounded in the encounter. Throughout the balance of the day, parties of cavalymen roamed the area for miles around finishing off any survivors they could find. That night, nonetheless, many of those wounded during the carnage managed to get away from the pits and join other village escapees who, over the next several days, journeyed northeast to the Cheyenne camps along the Smoky Hill River. Surprisingly, despite the suddenness and ferocity of the Sand Creek assault, the majority of villagers, including many who were severely wounded, somehow escaped the soldiers and survived.

Those who did not survive became the objects of widespread mutilation at the hands of the soldiers, particularly of members of the “Bloodless Third.” Over the next day, these largely untrained and undisciplined troops, including some officers, roamed the site of the destruction scalping and otherwise desecrating the dead, thereby compounding the basic butchery of the event. The soldiers then plundered and burned the village and destroyed its contents. The captured pony herd traveled south with Chivington as he continued his campaign, and the dead and wounded soldiers were removed to Fort Lyon. Chivington had earlier planned to mete similar treatment upon the Smoky Hill assemblage, but instead turned toward the Arapaho village that Major Anthony had earlier sent away from Fort Lyon. These tribesmen had fled by the time

the troops followed Sand Creek to its mouth on the Arkansas River. The Third Colorado then moved upstream to Fort Lyon before heading back to Denver, where they were greeted on December 22 by a throng of cheering citizens ecstatic over the “victory” of Sand Creek. Scalps from the Indian victims were ceremoniously exhibited at a local theater as the soldiers recounted their participation. As if the true number of deaths were not enough, Chivington boasted of having killed between 500 and 600 Indians in his attack.¹⁴

Outcry and Aftermath

In the aftermath of Sand Creek, as word gradually spread about the brutality of the onslaught, questions arose about Chivington’s version of events. Although Chivington had numerous supporters, particularly in Colorado, the truth shocked and sickened most Americans. In 1865, Sand Creek became the focus of three federal investigations, one military and the others congressional, looking into justification for, and details of, the action. Senator James R. Doolittle (R-Wisconsin), chairman of the Senate Committee on Indian Affairs, directed an inquiry following receipt of information about the event that “made one’s blood chill and freeze with horror.” In the West, General Curtis was ordered to find out what had occurred at Sand Creek. The examinations resolved that Chivington and his troops had conducted a premeditated campaign that resulted in the needless massacre of the Cheyennes and Arapahos, and that the atrocities that followed were an abject disgrace. By then, however, the colonel and his men were out of the service and could not be prosecuted for their actions, and only Chivington’s political future suffered. The Joint Committee on the Conduct of the War concluded in its assessment of Chivington that “he deliberately planned and executed a foul and dastardly massacre which would have disgraced the veriest savage among those who were the victims of his cruelty.” The committee also resolved that Governor Evans “was fully aware that the Indians massacred so brutally at Sand Creek, were then, and had been, actuated by the most friendly feelings towards the whites. . . .”¹⁵ Ultimately, Evans paid the price for his

¹⁴This account of Sand Creek is based upon information in Roberts, “Sand Creek,” pp. 421-41; Hoig, *The Sand Creek Massacre*, pp. 145-62; Utley, *Frontiersmen in Blue*, pp. 295-96; Josephy, *Civil War in the American West*, pp. 308-11; Powell, *People of the Sacred Mountain*, I, 301-09; Hyde, *Life of George Bent*, pp. 151-56; Grinnell, *The Fighting Cheyennes*, pp. Pp. 163-73; and Berthrong, *The Southern Cheyennes*, pp. 217-22. Chivington’s figure is in his report of December 16, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (73 vols., 128 parts; Washington: Government Printing Office, 1880-1901), Series I, Vol. XLI, Part I, 949.

¹⁵Josephy, *Civil War in the American West*, pp. 311-12 (including first quote); Utley, *Frontiersmen in Blue*, pp. 297 (second quote), 309; Hoig, *The Sand Creek Massacre*, pp. 163-76 (including third quote, p. 166); Roberts, “Sand Creek,” pp. 479-521. The three published products of these investigations are: U.S. Senate, 38 Cong., 2 sess. *Report of the Joint Committee on the Conduct of the War, Massacre of the Cheyenne Indians*. Report No. 142 (Washington: Government Printing Office, 1865); U.S. Senate, 39 Cong., 2 sess., *Report of the Joint Special Committee. Condition of the Indian Tribes with Appendix (The Chivington Massacre)*. Report No. 156 (Washington: Government Printing Office, 1867); and U.S. Senate. 39 Cong., 2 sess. *Report of the Secretary of War, Communicating . . . a Copy of the Evidence Taken at Denver and Fort Lyon, Colorado Territory by a Military Commission Ordered to Inquire into the Sand Creek Massacre, November 29, 1864*. Executive Document No. 26 (Washington: Government Printing Office, 1867).

involvement in events preliminary to the massacre and was dismissed as governor. In time, the Cheyenne and Arapaho victims of Sand Creek received scant restitution through the Treaty of the Little Arkansas, concluded in 1865, which purported to compensate them for suffering and property losses, a provision as yet unfulfilled. The treaty repudiated Chivington's massacre and promised to bestow lands on chiefs and survivors of Sand Creek whose parents or husbands had fallen at Chivington's hands, as well as redress for white citizens who had been impacted by the warfare.¹⁶

¹⁶Berthrong, *Southern Cheyennes*, pp. 240-44; Roberts, "Sand Creek," pp. 510, 562-66.

CHAPTER 5

CRITERIA FOR PARKLANDS

National Park Service *Management Policies* (1988) outline the criteria by which areas are evaluated for inclusion in the National Park System. These criteria stipulate the following:

To be eligible for favorable consideration as a unit of the National Park System, an area must: 1) possess nationally significant natural, cultural, or recreational resources; 2) be a suitable and feasible addition to the system; and 3) require direct National Park Service management instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the National Park System includes only outstanding examples of the nation's natural, cultural, and recreational resources. They also recognize that inclusion in the National Park System is not the only option for preserving the nation's outstanding resources (Chap. 2:1-2).

These National Park Service criteria for National Significance, Suitability, Feasibility, and Management Options were applied to the Sand Creek Massacre site to determine whether it qualified for inclusion as a unit of the National Park System.

National Significance of the Sand Creek Massacre

The Sand Creek Massacre is historically significant for several reasons. In the lives lost at Sand Creek, both the Cheyennes and Arapahos experienced familial and societal disruptions that have since spanned the generations of their societies. For both peoples, the site of the massacre comprises sacred ground, consecrated by the blood of lost forbears and venerated today by descendants and friends of those who died as well as of those who survived. While the event thus impacted both tribes, it most directly carried devastating physical, social, political, and material consequences among the relatively small (ca. 3,000) Cheyenne population, and indisputably changed the course of their tribal history. Beyond the basic human loss, the deaths of numerous chiefs in the massacre, occurring at a time when the Cheyennes were already experiencing fragmentation in their system with the evolution of the Dog Soldier Band, ultimately had long-range influences on the structural bonds within Cheyenne society. The Council of Forty-four, the central entity of Cheyenne government, was devastated with the losses of White Antelope, One Eye, Yellow Wolf, Big Man, Bear Man, War Bonnet, Spotted Crow, Bear Robe, and Little Robe, besides those of the headmen of three warrior societies. In addition, the losses in material fixtures, including homes, clothing, furnishings, and even artwork during the destruction of Black Kettle's village were immense, with immediate and future impacts within the tribal community. Among the 50 or so Arapahos at Sand Creek, seemingly few survived, and their chief, Left Hand, was mortally wounded in the

massacre. Other effects among the Arapahos were similar to those among the Cheyennes, and the Arapaho bands in the Arkansas country were divided ever after.¹⁷

A major result of the Sand Creek Massacre was its effect on the course of Indian-white relations, notably the implementation of federal Indian policy over ensuing decades. Although largely instigated independently by federalized territorial forces operating under the license of Colorado authorities, the event and its aftermath produced an atmosphere of pervasive and nervous distrust between the federal government – principally the army, as the instrument of national policy –and the plains tribes that complicated their associations and compounded negotiations on virtually every matter. In a single devastating strike, the Colorado troops had eliminated nearly all of the Cheyenne chiefs who had favored peace; those leaders who survived Sand Creek thereafter became staunch advocates of resistance. News of the treachery spread among the tribes like wildfire. As one official warned of an upcoming meeting with Indians when troops might be operating in the vicinity, “An angel from Heaven would not convince them but what another ‘Chivington Massacre’ was intended.”

The months following Sand Creek witnessed an eruption of warfare throughout the central plains, with Cheyenne, Lakota, and Arapaho warriors striking the emigration routes along the North Platte, South Platte, Republican, and Arkansas valleys. In the north, Sand Creek added further fuel to the invasion of Indian lands already underway there via the Bozeman Trail, producing several army expeditions against the tribes, as well as an unsuccessful attempt to militarily occupy the region. On the southern plains, troops attempted to subdue the tribes and overawe them with similar campaigns. In 1865, 1867, and 1868, tenuous treaties arranged between the government and the plains Indians sought to isolate them on designated tracts removed from the principal arteries westward, but peace remained elusive. These conflicts included the November 27, 1868, attack by the 7th U.S. Cavalry led by Lt. Col. George A. Custer upon Chief Black Kettle’s Cheyenne village along the Washita River in Oklahoma (now designated as the Washita Battlefield National Historic Site). The conflicts of the 1870s, including the Great Sioux War of 1876-1877, also could trace their origins at least partly to the Sand Creek Massacre and its long-term unsettling effects among the plains tribesmen.¹⁸

The Sand Creek Massacre relatedly played a role in the Indian reform movement as partly manifested in the congressional investigations that followed the tragedy, and initially produced an outcry against the military that continued throughout the period of the post-Civil War Indian conflicts. The effect was to place the army in the position of trying to prevent noncombatant casualties during its Indian campaigns, a concept that often conflicted with military tactics that included surprise dawn attacks on villages whose occupants were often asleep. Traditional impressions to the contrary, because of public indignation over Sand Creek and the anti-military sentiments it produced, both Generals William T. Sherman and Philip H. Sheridan, whose

¹⁷Powell, *People of the Sacred Mountain*, I, 309-10; Roberts, “Sand Creek,” pp. 684-91.

¹⁸For these events, see Utley, *Frontiersmen in Blue*, pp. 300-40, and Roberts, “Sand Creek,” pp. 523-66, 686. The quote is from Indian Agent Jesse H. Leavenworth to Brevet Major General John B. Sanborn, August 1, 1865, National Archives, Record Group 393, Part III, Entry 769, Volume 2, p. 171.

administrative domains included the plains region, sought to keep noncombatant losses low in the campaigns that followed, an objective that was not always achieved. In addition, partly because of the federal inquiries that followed the event, the Sand Creek Massacre directly impacted congressional thinking about the role of the army in Indian policy; it not only heightened anti-military bias among Indian reformers, but it blunted then-current efforts to transfer control of Indian affairs from the Interior Department to the War Department. Moreover, Sand Creek became an important symbol in the movement for reform of policies towards Indians, and from 1865 through the 1880s was repeatedly highlighted as proof of the essential inhumanity of federal policy. In more recent times, it has been used by Native Americans and modern Indian activist movements as proof of the genocidal intent of United States Indian policy.¹⁹

The Sand Creek Massacre was one of several clearly indisputable human catastrophes that influenced the course of Indian-white relations on the frontier during the last half of the nineteenth century, the others being the Bear River Massacre of Shoshoni Indians on January 29, 1863; the Marias River Massacre of Piegan Indians on January 23, 1870; and the Wounded Knee Massacre of December 29, 1890, in which at least 250 Lakota Indians died.²⁰ In the two former cases, the massacres ended extended periods of conflict with those small bodies and doubtless exhibited some of the same cultural manifestations among them as among the Cheyennes and Arapahos after Sand Creek. Wounded Knee occurred after the Lakotas had been forcibly settled on reservations. Yet because of the influences of the pervasive Cheyenne and Arapaho societies throughout the Great Plains region, the cultural, political, and military repercussions from Sand Creek truly lingered for a generation, affecting intercultural relationships in matters of peace, war, and daily existence that in many respects have continued to the present. Thus, in its immediate, direct, and long-range impacts upon the Cheyenne and Arapaho societies and the plains Indian community, as well as in its immediate and subsequent bearing on the progression of federal Indian and military policy respecting the plains tribes, the Sand Creek Massacre comprised an event of outstanding significance as reflected within the broad national patterns of United States history.

Because of its effects on tribal governmental institutions and on military institutions and activities, the Sand Creek Massacre falls under Theme IV, "Shaping the Political Landscape," within the National Park Service's 1996 Thematic Framework. Because of its effects on Cheyenne and Arapaho ethnic homelands, and its representation of the clash of Indian and Euro-American cultures, the Sand Creek Massacre also falls under Theme I, "Peopling Places." (Within the 1987 *History and Prehistory in the National Park System and the National Historic Landmarks Program* framework, the Sand Creek Massacre falls under Theme X, "Westward Expansion of the British Colonies

¹⁹Roberts, "Sand Creek," pp. 568-69, 604.

²⁰Fatality figures for these encounters are from *Bear River Massacre Site: Final Special Resource Study and Environmental Assessment* (Denver: National Park Service, 1996), p. 16; Jerome A. Greene, *Reconnaissance Survey of Indian-U.S. Army Battlefields of the Northern Plains* (Denver: National Park Service, 1998), p. 85; and Richard E. Jensen, R. Eli Paul, and John E. Carter, *Eyewitness at Wounded Knee* (Lincoln: University of Nebraska Press, 1991), p. 20.

and the United States, 1763-1898,” Subtheme C, “Military-Aboriginal American Contact and Conflict,” facet 2, “The Southern Plains.”)

The Sand Creek Massacre site has not been designated as a National Historic Landmark (NHL), primarily because its exact location has only recently been identified as a result of the Site Location Study. However, the Sand Creek Massacre site appears to meet National Historic Landmark standards for historic significance and integrity, and appears to be eligible for such designation under NHL Criteria 1 and 6. The site appears to be eligible under NHL Criterion 1 because it is associated with an event that outstandingly represents broad national patterns of United States history, and from which an understanding and appreciation of those patterns may be gained. It also appears to be eligible under NHL Criterion 6 because the site, which has only been the subject of reconnaissance-level archeological investigations, has yielded and is likely to yield information of major scientific importance by shedding significant new information regarding military and American Indian conflicts. The site also appears to be eligible to the National Register of Historic Places under Criteria A and D.

Criteria for National Significance

According to National Park Service *Management Policies* regarding new areas to be included in the National Park System, a natural, cultural, or recreational resource is considered to be nationally significance if it meets all of the following criteria:

- ?? It is an outstanding example of a particular resource.
- ?? It possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation’s heritage.
- ?? It offers superlative opportunities for recreation, public use, and enjoyment or for scientific study.
- ?? It retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

The Sand Creek Massacre site meets these criteria based upon the exceptionally important association of the event in its impact on the Cheyenne and Arapaho cultural/societal frameworks, as well as its profound influence on the course of Indian-white relations in United States history. The major considerations affecting this determination are as follows:

It is an outstanding example of a resource that influenced the course of Cheyenne-Arapaho history, wrought profound ramifications on U.S. military-Indian relations throughout the balance of the nineteenth century after 1864, and affected the subsequent formulation and implementation of United States Indian policy.

In the lives lost at Sand Creek, both the Cheyennes and Arapahos experienced familial and societal disruptions that have since spanned the generations of their societies. For both peoples, the site of the massacre represents hallowed ground venerated today by descendants of the victims of Chivington’s attack. The massacre especially devastated the Cheyennes with enormous physical, social, political, and material consequences that changed the course of their history forever. In the context of the time, the

massacre eliminated nearly all of the Cheyenne leaders who had favored peace with the United States, and those who survived thereafter advocated resistance to the government. The event thus escalated warfare throughout much of the central plains between the army and the Cheyennes, Arapahos, and Lakotas; virtually all Indian-army conflicts that ensued in the central and northern plains traced their origins at least partly to the Sand Creek Massacre and its long-term unsettling effects among native peoples in the region.

The Sand Creek Massacre and its resultant congressional and military inquiries influenced evolving Indian policy as well as the Indian reform movement during the mid to late nineteenth century. The massacre and its investigations produced outcries against the army that lingered throughout the period of the post-Civil War conflicts and persuaded the military leadership to attempt to limit noncombatant casualties in future engagements with Indians. It further provoked anti-military criticism and helped scuttle plans for War Department control of Indian affairs then prevalent. Although there occurred other massacres of Indian peoples by troops during the last half of the nineteenth century, the circumstances of Sand Creek elicited wide national outrage and it remained forefront in the public consciousness. Moreover, because of pervasive influences presently existing within the Cheyenne and Arapaho societies throughout the plains region, the cultural, political, and military repercussions from the Sand Creek Massacre have continued to the present, and the event has been used by various groups to broadly symbolize perceived genocidal aspects of United States Indian policy.

It possesses exceptional value in illustrating and interpreting the history of U.S.-Indian relations during the mid-to-late nineteenth century in the trans-Mississippi West, and in presenting the impact of military-Indian warfare on Native American societies as exemplified within the Cheyenne and Arapaho tribes.

The Sand Creek Massacre site offers a prime opportunity for Americans to learn about the composition and histories of Plains Indian societies, particularly the Cheyennes and Arapahos, their relationships to their environment, and their lives during the mid-nineteenth century when confronted by the expansive interests of the United States. The study area holds potential for addressing the particular circumstances that evolved by 1864 among the Indians, Colorado territorial officials, and federal authorities to produce the calamitous course leading to Sand Creek, and for relating the effects of the massacre upon the Cheyennes, Arapahos, and other tribes, as well as upon regional white settlement thereafter. As well, the site will promote discussion and understanding about cultural differences not only among the various tribes, but between the Cheyennes and Arapahos and territorial and federal politicians that helped create the atmosphere leading to the massacre. It will, moreover, provide a broad context for understanding the wide-ranging conflict, as well as the nature of the warfare, existing between Indians and whites during the mid-to-late nineteenth century.

It offers superlative opportunities for public education and study.

The site of this profound event will stimulate thought and promote curiosity about what happened and why. The landforms within the proposed study area have changed negligibly since 1864, and visitors will gain a ready appreciation of the manner in which the massacre unfolded. The quietude of the site with its gently undulating landscape will afford opportunities for contemplation and for appreciating the extenuated complexities of the human tragedy that unfolded at Sand Creek. In addition, for the Cheyennes and Arapahos the site represents sacred ground consecrated with the blood of their forbears; to them the site holds immediate personal and religious meaning that will transcend the experience of most other visitors.

It retains a high degree of integrity as a true, accurate, and relatively unspoiled example of the resource.

Although the resource area is located in country presently used for farming and stockraising, it nonetheless conveys strong qualities of its likely appearance at the time of the massacre in 1864. Further, geomorphology studies indicate that the landforms and areal topography, including those of the meandering Sand Creek bottom and its immediately adjoining properties throughout the length of the resource area, have remained substantially unchanged, thereby permitting considerable accuracy in interpreting the historical features of the site. Beyond remnants of an old irrigation ditch traversing part of the land, plus fence lines, water tanks, and an occasional windmill – all parts of the past and present use of the area – the site terrain, as well as the surrounding landscape, remains largely undeveloped, thus assuring the integrity of the historic scene as it appeared during the middle of the nineteenth century.

Suitability of the Sand Creek Massacre Site

Criteria for Suitability

An area that is nationally significant also must meet criteria for suitability and feasibility to qualify as a potential addition to the National Park System. To be suitable for inclusion in the system, an area must represent a natural or cultural theme or type of recreational resource that is not already adequately represented in the National Park System or is not comparably protected for public enjoyment by another land-managing entity. Adequacy of representation is determined on a case-by-case basis by comparing the proposed area to other units in the National Park System for differences or similarities in the character, quality, quantity, or combination of resources, and opportunities for public enjoyment.

The Sand Creek Massacre site is suitable for inclusion in the National Park System because it represents a cultural theme that is not already adequately represented in the National Park System, or is not comparably represented and protected for public enjoyment by another land-managing entity. Table 1 shows the National Park System units that currently represent this thematic topic.

Table 1:
Units of the National Park System that currently represent the Thematic Topic of
Westward Expansion and U.S. Army – Indian Conflict on the Southern Plains

THEME AND SUBTHEME
Theme X – Westward Expansion of the British Colonies and the United States, 1763-1898
Subtheme C – Military –Aboriginal American Contact and Conflict
2. The Southern Plains
THEMATIC REPRESENTATION IN THE NATIONAL PARK SYSTEM
Fort Davis National Historic Site, TX
Fort Larned National Historic Site, KS
Fort Scott National Historic Site, KS
Fort Smith National Historic Site, AR-OK
Washita Battlefield National Historic Site, OK

As can be seen in Table 1, five National Park System units currently represent this theme and subtheme. Four of these units are military forts, while Washita Battlefield National Historic Site is the only one that represents an Indian encampment.

A National Park System unit at the Sand Creek Massacre site could provide visitors a greater understanding of that event within the larger context of Plains Indian societies, particularly those of the Cheyennes and Arapahos, and their disruption by the expansion of white settlement. The massacre at Sand Creek of nearly 150 Cheyenne and Arapaho people who believed they were under the protection of the U.S. government was a major turning point in the relationship between whites and Indians. Sand Creek created an environment of enormous distrust, and virtually all Indian-Army conflicts that ensued were rooted, at least partly, in the events of November 29, 1864. A National Park System unit at Sand Creek would provide an opportunity for Americans to better understand the significance of the Sand Creek Massacre, the chain of events that led up to it, the relationship between Indians and whites during the mid-to-late nineteenth century, the devastating effects of the massacre upon the Cheyenne and Arapaho people, and its far-reaching repercussions, many of which linger to this day.

Sand Creek was one of several massacre events that influenced the course of Indian-white relations on the western frontier during the last half of the nineteenth century. Other significant sites in the American West include the Bear River Massacre of Shoshoni Indians in 1863, in which at least 250 tribesmen perished; the 1870 Marias River Massacre, wherein troops assailed a camp of Piegan Indians in northwestern Montana Territory leaving 173 people dead; and the 1890 Wounded Knee Massacre, resulting from an escalating confrontation between soldiers and Lakota Indians on the Pine Ridge Reservation in South Dakota, in which Indian fatalities numbered at least 250. Table 2 lists these sites, as well as Sand Creek, and their current ownership.

Table 2: American Indian Massacre Sites and their Current Ownership

Site	Indian People Killed	Date	Current Ownership/Management
Bear River, ID	Approximately 250 Shoshoni	1863	Private owners, listed as a National Historic Landmark
Sand Creek, CO	Approximately 150 Cheyenne and Arapaho	1864	Private owners
Marias River, MT	173 Piegan Blackfeet	1870	Bureau of Reclamation and Private owners
Wounded Knee, SD	At least 250 Lakota Sioux	1890	Pine Ridge Oglala Sioux Reservation, listed as a National Historic Landmark

Feasibility of the Sand Creek Massacre Site

Criteria for Feasibility

To be feasible as a new unit of the National Park System, an area's natural systems and/or historic settings must be of sufficient size and appropriate configuration to ensure long-term protection of the resources and to accommodate public use. It must have potential for efficient administration at a reasonable cost. Important feasibility factors include land ownership, acquisition costs, access, threats to the resource, and staff or development requirements. The "Management Alternatives" section of this document addresses the various elements of feasibility for each of the three alternatives. A Sand Creek Massacre Historic Site and/or Memorial, as described in Alternatives 2 and 3, would be feasible as new units of the National Park System.

Assessment of Management Alternatives

Alternatives to National Park Service management might adequately protect resources even if they are significant, suitable, and feasible additions to the system. Studies of potential new park units evaluate management by state or local governments, Indian tribes, the private sector, or other federal agencies; technical or financial assistance from established programs or special projects; management by others as a designated National Natural Landmark, a National Historic Landmark, a National Scenic River, a National Trail, a Biosphere Reserve, a state or local park, or some other specially designated and protected area; or cooperative management between the National Park Service and other entities. Alternatives involving other federal agencies include designation of federal lands as wilderness, areas of critical environmental concern, national conservation areas, national recreation areas, marine or estuarine sanctuaries, and national wildlife refuges. Additions to the National Park System will not usually be recommended if another arrangement can provide adequate protection and opportunity for public enjoyment. The "Management Alternatives" section of this document addresses these management options for the Sand Creek Massacre site.

CHAPTER 6

THE SAND CREEK MASSACRE STUDY AREA

This place was well known to all the Cheyennes and Arapahos and they used it as a camping ground for many years. There were several chiefs in our camp, and instead of being all camped together in one large village, each band was camped by itself with its lodges grouped together and separated by a little open space from the camps of the other bands.

George Bent, as quoted in the *Life of George Bent: Written From His Letters*

Just rising the brow of a little eminence, we commanded a view of the gently sloping country, for a distance seemingly of about five miles, at the termination of which ran a large stream, with a channel a fourth of a mile wide, but filled with nought but sand and driftwood, in clumps. Here upon the banks the white tepas [sic] of an Indian village appeared as little dots upon the great mass of brown before us.

George A. Wells, November 28, 1864

General Site Description

The Sand Creek Massacre site lies along an approximate 5 ½-mile stretch of Sand Creek in Kiowa County, Colorado. Located in rural southeastern Colorado, the site is in gently rolling prairie grassland now used as agricultural ranch and farmland. The topography is generally flat, and viewsheds extend for several miles, particularly to

the north, east, and south. A small Sand Creek Massacre historical marker is situated on a high ridge in the area – upon ground which National Park Service historians believe Colonel John Chivington ordered his troops to begin their assault upon the Cheyenne and Arapaho Indians who were camped below along the Sand Creek streambed.

The boundary of the Sand Creek Massacre encompasses approximately 12 sections of land (7,680 acres) in Township 17 South, Ranges 45 and 46 West, Kiowa County, Colorado. Sand Creek, officially known as Big Sandy Creek, is an intermittent stream that meanders with several twists and bends through the center of the area. The boundary encompasses all of the key elements of the Sand Creek Massacre, including the Cheyenne and Arapaho village site and the sandpits area. All of the land within the boundary of the Sand Creek Massacre site is privately owned.

The Sand Creek Massacre area has changed relatively little since November 29, 1864. Geomorphological studies indicate that the area landforms and topography, including Sand Creek, are substantially unchanged. In addition, man-made alterations of the area have not seriously compromised the area's natural features. These alterations include the remnants of the now-defunct Chivington canal, the crumbling headworks of which are still located on Sand Creek. Two ranch houses – one occupied and one abandoned – are within the massacre site boundary. Adjacent to the massacre site boundary on the east side are the remnants of one other abandoned ranch. Within the massacre site boundary, other remnants of the area's agricultural use include fence lines, water tanks, windmills, and unpaved access roads. County Road W cuts through two miles of the southern edge of the massacre site. The only other roads within the massacre site boundary are secondary dirt roads that serve as residential and grazing access.

Location and Access

The Sand Creek Massacre site is located in Kiowa County, approximately 180 miles southeast of Denver. The town of Chivington, which is nearly abandoned, is approximately 12 miles south of the massacre site. Eads, the county seat, is approximately 25 miles west-southwest of the massacre site.

The area's primary access routes are U.S. Highway 287 and Colorado Highway 96, which intersect at the town of Eads. Highway 287 intersects with Interstate 70 at a point approximately 85 miles northwest of Eads. Highway 287 is also the primary access route between Eads and Lamar, which is about 40 miles south of the massacre site. The closest highway to the Sand Creek Massacre site is Colorado Highway 96, which passes through the town of Chivington. From Colorado Highway 96, the massacre site can be reached by traveling on unpaved secondary roads, specifically County Road 54 and County Road W. However, the Sand Creek Massacre site is located on private land and is not open to the public.



Land Ownership Map: Under Alternative 1, no action would be taken at the Sand Creek Massacre site, and all the land would remain in private ownership.

Cultural Resources

Historic Landscape

The boundary of the Sand Creek Massacre site encompasses the primary features associated with the Sand Creek Massacre. (As noted earlier, the Sand Creek Massacre was a running engagement that spanned approximately 5 ½ miles in length and 2 miles in width.) Extending from south to north, these features include:

- ?? The area where the Indian lodgepole trail crossed Sand Creek. The Sand Creek Massacre was an established Indian encampment area, and was near the point where an Indian lodgepole trail crossed Sand Creek. The U.S. Army, on its journey from Fort Lyon to the massacre site, also used this trail.
- ?? The area from which Colonel Chivington and his U.S. Army troops viewed the village in the distance, and from which they began their initial approach.
- ?? The Sand Creek streambed area where the Army troops dropped their excess equipment and baggage before reaching the Indian village.
- ?? The areas where the Indian pony herds were gathered prior to the attack.
- ?? The village site of the Cheyenne and Arapaho people who were attacked by the U.S. Army during the Sand Creek Massacre.
- ?? The sandpits, where the Indians who survived the initial attack tried to shelter themselves by digging entrenchments in the banks of Sand Creek.
- ?? The Indian flight area, which generally extended north of the sandpits area and which was the site of additional killing. (This area represents only the immediate area of flight. In the days following the massacre, Indian survivors continued traveling northeast to the Cheyenne camps along the Smoky Hill River, which is marked by a monument near present-day St. Francis, Kansas.)

A more detailed description of these features – as well as the tribal oral histories, traditional knowledge, historical documentation, and archeological evidence that indicate their location – is included in *Sand Creek Massacre Project, Volume 1: Site Location Study*.

Adjacent to the eastern boundary of the Sand Creek Massacre site is a natural spring, which is in Section 20, Township 17 South, Range 45 West. According to Cheyenne oral histories, the village attacked by Chivington's troops was close to a large natural spring, from which the Cheyenne people took their water. Although the spring is not directly involved with the events of November 29, 1864, it may be part of the larger cultural landscape associated with the Indian encampment at the site.

Post-Massacre Development

Three years after the Sand Creek Massacre, the Medicine Lodge Treaty of 1867 eliminated the Cheyenne and Arapaho reservation at Sand Creek and the lands were open to settlement. By 1871, the area had become well known as a buffalo hunting area. Also by 1871, Hiram Holly had established the Holly Ranch – which later evolved into the SS Ranch – over much of southeastern Colorado, and the open range cattle lands encompassed the Sand Creek Massacre study area. By the 1880s,

SS Ranch pasture was under fence, and the Sand Creek Massacre site marked the western boundary of the “north pasture.” The fences were taken down by 1885, at which point homesteaders began moving onto the pastures once controlled by the cattle ranches.²¹ Among the remnants of the open range cattle industry within the massacre site boundary is the extant foundation of a line shack associated with the SS Ranch in the north half of Section 30, Township 17 South, Range 45 West.

The first Euro-American homesteaders were relatively late in legally claiming land in the Sand Creek Massacre area. The Sand Creek Massacre area was first surveyed by the government in 1879-80; the earliest land claims within the study area occurred in the late 1880s, almost 25 years after the massacre. Settlement was apparently difficult, since numerous claims were subsequently abandoned. Several land laws were used to claim land, including the Homestead Act, the Desert Land Law, and the Timber Culture Act. The Union Pacific Railroad received the odd-numbered sections in the area, patented in 1904.

Only one town was established within the Sand Creek Massacre study area. Upper Water Valley, also known as New Chicago, was established in the vicinity of the southeast quarter of Section 14, Township 17 South, Range 46 West.²² The town apparently lasted only one summer, “having died with the frost of 1887.” During this time, the Missouri Pacific Railroad was conducting surveys for a railroad line, including a route through the vicinity of what would become the Upper Water Valley townsite. The town quickly died, however, when the railroad line was established to the south, near what is now the town of Chivington, Colorado.²³

Also within the Sand Creek Massacre site are the remains of the Chivington Canal. The headgates of the abandoned canal, which was designed to divert water from Sand Creek into Chivington Reservoir No. 4 south of the town of the Brandon, are in the southeast 1/4 of Section 24, Range 46 West, Township 17 South. The canal was one of a number of canals constructed by the Chivington Canal Company, ca. 1910-12. However, the canal was abandoned sometime after 1918, although approximately \$200,000 had been spent on its construction. The canal apparently never carried enough water to be profitable, but has left a mark upon the landscape that is clearly visible in aerial photographs of the area.

Throughout the twentieth century, the Sand Creek Massacre site has been used for farming and stockraising. Thirteen landowners have property within the boundary of the Sand Creek Massacre site, and all of the land is used for agricultural purposes. Within the boundary of the massacre site are two building complexes. A ranch house and associated outbuildings are located in Section 30, Township 17 South, Range 45

²¹Miguel Antonio Otero, *My Life on the Frontier, 1864-1882* (New York: The Press of the Pioneers, 1935), p. 47; and Ava Betz, *A Prowers County History* (Lamar, CO: Big Timbers Museum, 1986), p. 282. This historical information is summarized in Interim Report No. 2, Christine Whitacre and Lysa Wegman-French.

²²Land Records, Kiowa County Abstract Company. Land records for adjoining sections have not been researched; the town site may have extended into either Section 13 or 23.

²³“Kiowa County and Its Towns: A Short Story of Their Ups and Downs,” *Kiowa County Press*, January 26, 1917.

West. The other complex is an abandoned ranch in Section 31, Township 17 South, Range 45 West. Outside the boundary and adjacent to the eastern boundary of the massacre site is another abandoned ranch house in Section 20, Township 17 South, Range 45 West. Also within the landscape – and reflecting its past and present agricultural use – are fence lines, water tanks, windmills, and secondary dirt roads.

In 1950, the local community placed a Sand Creek Massacre monument marker on the eastern edge of Section 25, Township 17 South, Range 46 West. A private access road, now closed to the public, leads to the marker. From the monument overlook area, one can view much of the Sand Creek valley, which still conveys a strong sense of its likely appearance at the time of the 1864 massacre.

Ethnographic Resources

The Sand Creek Massacre site is particularly sacred to the Cheyenne and Arapaho Tribes because it is along a primary migratory route where they hunted, gathered, held ceremonies and camped. A portion of the massacre site is within the original reservation designated for the Cheyenne and Arapaho people. Also significant within the study area are places where spiritual experiences have occurred, where ceremonies have been conducted, and where artifacts have been found. Time, elements and people have changed the site's natural features but the intangible spiritual qualities of the landscape are as strong, or even stronger, today than on the day of the massacre because of their connection to Cheyenne and Arapaho history and contemporary identities.

Among the evident ethnographic resources in the area (but not within the massacre site boundary) is a natural spring in Section 20 of Township 17 South, Range 45 West, approximately two miles northeast of the Dawson South Bend. As noted earlier, Cheyenne oral histories state that the village attacked by Chivington's troops may have been close to a large natural spring. Although the encampment was on the banks of Sand Creek, Cheyenne tradition held that only animals would drink creek water, and that people drank water from a clear running source, such as a spring. The Cheyenne believe that the spring in Section 20 may be the historic spring that is associated with the Indian encampment at the Sand Creek Massacre.

Only Cheyenne and Arapaho people can ever understand the full significance of the site. However, in order to address the site's importance to the Cheyenne and Arapaho Tribes, the primary features of the Sand Creek Massacre site – including Sand Creek itself, the banks that hid the survivors, the encampment site, and the natural fresh-water spring – have been addressed in the proposed Management Alternatives.

Natural Resource Environment

Site Description

The study site lies in eastern Kiowa County within the High Plains section of the Great Plains-Palouse Dry Steppe Province ecoregion. This ecoregion stretches from

northeastern Oklahoma north-northwesterly through Montana.²⁴ The study site has gently rolling topography with elevations of approximately 3,960 feet above sea level (asl) along the creek, and elevations of bluffs to the west more than 4,000 feet asl and rising slopes to the east at more than 4,050 feet asl. The Sand Creek floodplain is terraced, but mostly level to gently sloping and varying from one-quarter to one-half mile in width through the site.²⁵

Kiowa County experiences weather typical of the eastern plains of Colorado with an average precipitation of 13-14 inches annually. Moisture is spread throughout the year but is characterized by pulses of moisture in scattered but large rainfall and hail events from summer thunderstorms and periodic medium to heavy snowfalls (average 27 inches annually) during the winter. Average winter temperature is 32⁰F (0 degrees Celsius), while summer temperatures average 74⁰ F. The dominant weather is mostly dry and clear throughout the year with substantial numbers of days with moderate winds. Prevailing winds come from the south-southeast, while high velocity and storm winds predominantly come out of the north and northwest. Average wind speed is highest in April, at 10 miles per hour.²⁶

Water Quantity

Sand Creek, also referred to as Big Sandy Creek (and shown on state of Colorado and U.S. Geological Survey maps by that name) is an intermittently flowing stream through the site. The creek's watershed stretches more than 120 miles from El Paso County, Colorado, through Limon and Kit Carson before reaching the study site, and continues more than 30 miles more to join the Arkansas River eight miles east of Lamar. While it drains over 3,400 square miles of southeastern Colorado to the Arkansas River, most of the flow through the study site derives from infrequent large rainfall events during the spring and summer. Thus, during normal and dry years, the creek does not substantially flow at the site, and has not been reliably used for potable or irrigation use. Recent observations of the creek and associated plant communities suggests that the only water normally found on the site is in creek-scoured depressions that intercept groundwater, several minor seeps, and one major spring on the east side of the creek floodplain. The spring is in Section 20, with water flowing through Section 30, Township 17 South, Range 45 West.

The bed of Sand Creek is lightly defined throughout much of its floodplain both upstream and downstream of the site. During moderate to large flows of the creek, clearly marked edges and bank conditions develop through erosion and debris deposition, and numerous braided channels and shallow flow areas are evident among the cottonwood groves.

²⁴Robert G. Bailey, *Ecoregions of the United States* (U.S. Department of Agriculture: Forest Service, 1994).

²⁵Amy Holmes and Michael McFaul, *Geoarchaeological Assessment of the Sand Creek Massacre Site, Kiowa County, Colorado*, October 1999.

²⁶David L. Anderson, John G. Lesh, and Donald W. Wickman, *Soil Survey of Kiowa County, Colorado* (U.S. Department of Agriculture: Soil Conservation Service, in cooperation with Colorado Agricultural Experimental Station, 1981).



ILLUSTRATION 6-1: Sand Creek in the vicinity of the massacre. *John Reber*

Because of the creek's ephemeral character, the nearest water flow monitoring has occurred at a gauging station more than 30 miles downstream, close to its discharge into the Arkansas River. And, because of return flow from irrigated fields downstream of the study site, the average and low flows recorded during the summer months are not reflective of the true creek flow. During several winter observations of the creek at the site and the downstream gauging station, the site showed no flow, while at the gauging station, the creek was flowing more than five cubic feet per second (cfs). Gauging station records since 1968 show daily mean flows at 12 to 76 cfs, a maximum daily flow of 276 cfs, and a daily mean low flow during spring and summer months of less than one cubic foot per second.²⁷ During several investigations onsite during the summer of 1999, streamflow flooding on Sand Creek caused access difficulties onsite, with flowing and standing portions of water greater than 50 feet in width and more than 4 feet in depth.

Indian oral histories, period diaries and interviews, and period U.S. Army soldiers' accounts describe the general creek area of the study site as being similar to the current condition, with some notable exceptions. Apparently during the time of the Sand Creek Massacre, very few small and/or stunted cottonwoods existed along the creek within the site, compared to the numerous groves of large cottonwoods observed today.

²⁷U.S. Department of the Interior, U.S. Geological Survey, Water Resources Data, Colorado, Water Year 1998, Water-Data Report CO-98-1, hereafter cited as "Water-Data Report."

Streamflow diversion has occurred for a number of years earlier in the twentieth century in Section 24, Township 17 South, Range 46 West, for the Chivington irrigation canal. The Chivington Irrigation Company built and operated this short lived and now defunct creek diversion and canal that fed Chivington Reservoir No. 4, also known as Brandon Lake, for agricultural irrigation purposes just prior to World War I.²⁸ All of the diversion structures and most of the earthen canal system remain in a poor and unworkable condition. The canal construction and operation, compounded with extensive grazing, some crop tilling farming, and erosion have altered flow characteristics and embankments surrounding the largest spring entering the creek at the east end of the Dawson South Bend.

The intermittent flow and periodic flooding character of Sand Creek appear significant to the maintenance of the general physical stream morphology, plant species habitat, and the visual appearance of the floodplain through the study site. Over a long period of time, intermittent flow and periodic flooding selects for largely dry prairie plant species through the riparian area. More mesic and wetland species, such as rushes and sedges are limited to the wettest of areas in or surrounding surface or shallow groundwater. Cottonwoods are only successful where established during specific scouring and flooding conditions, nurtured by available surface or groundwater, and minimally disturbed by grazing pressures. Wildlife grazing by Bison, and fuelwood



ILLUSTRATION 6-2: Sand Creek Massacre area, Dawson Property. Even without water, the streambed of Sand Creek – an intermittent stream – is clearly defined on portions of the study area. *John Reber*

²⁸Roleta D. Teal and Betty Lee K , *Kiowa County* (Johnson Publishing Co., 1976), p. 82.

gathering by Indian tribes may have been primary forces limiting the successful establishment and growth of cottonwoods throughout the nineteenth century.

Several springs enter Sand Creek or its floodplain throughout the length of the site. In each of Sections 10, 14, and 24 of Range 46 West, Township 17 South, very small spring traces exist that provide water to areas of vegetation and occasional wildlife grazing along the east floodplain of the creek. A large spring is in Section 20, Range 45 West, Township 17 South. This spring is sourced from local groundwater and from more than five miles of contributing surface and groundwater flow from the northeast; this water also perennially flows through Section 30 into Sand Creek at the terminus of the Dawson South Bend. The spring historically produced enough water such that two wells with recorded water well “exempt” status tap portions of its source in Section 9 of Range 45 West, Township 17 South, more than two miles upgradient northeast of the study site.

Water Quality

Water quality in Sand Creek through the site varies to quite some degree throughout the year and through particular storm events because of the creek’s intermittent character. It is generally of good quality although with limitations of use as potable water due to high alkalinity and periodic high suspended sediments. Local residents and Indian oral histories submit that the water quality in the creek or in the persistent pondings of water within the creek bottom was never considered good enough quality as a potable source for humans, although consumption by cattle, ponies, horses or observed wildlife appeared to cause no ill effects. Vegetation types and soil surfaces observed during site evaluations indicated no visible reaction of plants (e.g. increase in alkali tolerant species) to poor water quality or any significant deposits of alkali salts.

Few data exist on measured water quality in Sand Creek, partially because of its intermittent character, and the lack of development of its surface water as a potable supply for individuals or communities. Sporadic testing of the creek more than 30 miles downstream at the gauging station yielded specific conductance measurements between 2620 and 4420 micromhos per centimeter at respective discharge flows of 126 to 50 cfs (October 1997 through September 1998).²⁹

The large perennial spring in Section 20 is of apparent excellent quality, and flows from the northeast into the easternmost extent of the Dawson South Bend in Section 30. As noted above, this spring has some local source, but also exists as a small groundwater drainage trace that flows discontinuously from sources more than five miles distant. The spring and its entire drainage throughout Sections 20 and 30 are heavily used and impacted by grazing uses within those sections. The water quality of the spring may also be affected by grazing and unknown agricultural use further upstream. Two shallow wells, mentioned in the “Water Quantity” section above (and located in Section 9), and of unknown quality, tap the groundwater that likely feeds this spring. Several other springs on the east side of the Sand Creek floodplain, also

²⁹Water Data-Report.

mentioned previously, supply water of unknown quality for at least one stock watering use. Each of these springs may have been used historically by American Indians, even though the source or discharges may have changed some since 1864.

Groundwater quality in the area of the creek has generally been rated as fair to poor. In a 1967 report on the local groundwater resources, 37 of 41 wells had sulfate contents greater than the 250 ppm limit recommended by the U.S. Public Health Service and all of the wells contained more than the recommended 500 ppm dissolved solids limit. One local well had an elevated selenium content, 0.11 ppm, and it was recommended that all wells be carefully checked for elevated levels of that potentially toxic element.³⁰ It is possible that the shallow spring sources of water along the eastern side of the creek floodplain could be of similar, better, or worse quality than the wells tested.

Current land uses on the site are not significantly affecting water quality in the creek. Groundwater locally and beneath the site is considered hard (and high in sulfate and dissolved solids), but is used for domestic and stock purposes. No current threat to surface or groundwater is apparent, although intensive livestock raising operations could present a threat to both if inadequately sited or operated. The perennial spring(s) along the east side of the creek floodplain are believed to have been one of the critical reasons for historic encampments made on the site by numerous Indian tribes. While the spring on Sections 20 and 30 appears to tap shallow groundwater draining from the northeast, it apparently sustains its flow even during dry periods through its connection to a large watershed and aquifer. The location of the source, flow discharge, and riparian habitat of the spring has changed somewhat through the construction and operation of the Chivington Canal, some local farming, extensive grazing, and local erosion.

Water Rights

Few water rights have been established for the surface water of Sand Creek. The Water Rights Report maintained by the State Engineer's Office shows that seven of the ten water rights held are considerably upstream of the study site, near the headwaters west of Limon, Colorado. These rights are for reservoir storage of precipitation events and minor spring inflows more than 70 miles from the site, and thus are believed unlikely to be affecting the study site to any significant degree. Three additional water rights exist for irrigation wells 18-25 miles downstream on Sand Creek.

Within an approximate six-mile radius of the study site, there are nearly 100 wells known as "exempt wells," not subject to water rights augmentation plans, and recorded by the Colorado State Engineer. The great majority of these wells have small yields, suggesting domestic use. The majority of these wells are upstream of the study site. Several are larger irrigation wells yielding 350-1300 gallons per minute, but

³⁰Donald L. Coffin, *Geology and Ground-Water Resources of the Big Sandy Creek Valley Lincoln, Cheyenne, and Kiowa Counties, Colorado*, Geological Survey Water-Supply Paper 1843 (U.S. Department of the Interior: U.S. Geological Survey, 1967).

virtually all of them are in shallow deposits less than 100 feet in depth.³¹ These wells cumulatively may be affecting groundwater in the creek floodplain and surface flows in the creek during certain low to moderate flow events. It is not believed that the wells are affecting the large surface flows of Sand Creek throughout the study site.

Wetlands

A narrow strip of wetlands shown on National Wetlands Inventory mapping borders Sand Creek throughout the length of the site consisting of two Palustrine wetland types: Palustrine Emergent Intermittently Flooded/Temporary and Palustrine Forested Intermittently Flooded/Temporary. A third type of wetland classification is found along the creek bed where more flow character is maintained: Riverine Intermittent Streambed Intermittently Flooded. Four small pockets or strips of wetland are also indicated on spring areas within Sections 19, 20, and 30, known as Palustrine Emergent Intermittently Flooded.³² All four wetland classifications were determined by use of the “Classification of Wetlands and Deepwater Habitats of the United States” by Cowardin et al, the system the National Park Service has adopted for wetland determination.³³ No field surveys of wetland boundaries or functions were undertaken during this site study.

Floodplain

No current flood survey or floodplain delineation exists for the Sand Creek drainage at or nearby the site. The nearest gauging station on Sand Creek is more than 30 miles downstream and flow discharge records from that station are too distant to be helpful in describing flooding characteristics of the study site. Anecdotal evidence and observations of the watershed and the site suggests that there are no structures or uses of the land that are threatened by flooding along Sand Creek except for boundary fencing and small portions of vegetation on grazed land. The floodplain bordering Sand Creek is one-quarter to one-half mile and displays terraces that likely describe certain flow frequency events.³⁴ The flood flows in Sand Creek can carry large quantities of sand/gravel and vegetative floating debris (grasses, branches, and small trees). Evidence of large open bars of sand and gravel were observed after the large flows in the summer of 1999, and many of the cottonwood tree trunks on bars in the floodplain were decorated with masses of floated debris. The County Road W crossing of Sand Creek just downstream of the Dawson South Bend was overtopped during May 1999 for more than 100 feet in length.

³¹U.S. Department of the Interior, National Park Service, Water Resources Division, “Water Rights Issues-Sand Creek Special Resource Study,” (Denver: National Park Service, January 2000).

³²U.S. Department of the Interior, Fish and Wildlife Service, “National Wetlands Inventory Map Kit Carson 4 SE,” Scale 1:24,000,” 1975.

³³Lewis M. Cowardin, Virginia Carter, Francis C. Golet, and Edward T. LaRoe, “Classification of Wetlands and Deepwater Habitats of the United States,” FWS/OBS-79/31 (U.S. Department of the Interior: Fish and Wildlife Service, 1979).

³⁴Holmes and McFaul.

Geology/Soils

Sand Creek drains the eastern side of a broad southeasterly trending valley composed largely of Quaternary eolian sands. These sands from the Holocene and Pleistocene periods overlay complex and discontinuous Pleistocene sands, silts, and gravels from 0 to 70 feet in depth to the Smoky Hill Shale (part of the Niobrara Formation).³⁵ Dune sands make up the bluffs along and extending back from the western side of the creek, while coarser (and including more silt) valley fill and slopewash materials blanket the terraces and slopes extending eastward. Along Sand Creek, just south of the Dawson South Bend, dune and valley fill deposits average 20 to 50 feet in depth above the chalky Smoky Hill Shale.³⁶

Along and directly adjacent to the massacre site and Sand Creek, distinct alluvial terraces have developed as secondarily worked deposits of Pliocene and lower Pleistocene materials that originated from the mountains to the west. Numerous climatic extremes of wet, dry, and wind periods over thousands of years have then modified surficial conditions to allow the development of most of the alluvial and eolian soils seen on the site today.

Soils along Sand Creek within the floodplain are nearly level and somewhat poorly drained to poorly drained Fluvaquents. Highly variable soil textures have developed over years by stream flooding and wind caused erosion and depositions, mixing alluvial and eolian materials. Soils bordering the creek's eastern floodplain are deep and mostly well drained, ranging from calcareous material derived Kim-Harvey-Stoneham (KHS) loams to the loess derived Wiley loam. The KHS loams lie at 1-12 percent slopes and where strongly calcareous, adversely affect some plant growth. Along the western side of the creek and rising in hills and bluffs bordering the floodplain are the Valent and Bijou-Valent loamy sands, both formed from non-calcareous eolian sands and are deep and somewhat excessively to excessively drained soils. The Valent loamy sands at 3-10 percent slopes are deep and excessively drained

Most all of the KHS loams, Wiley loams, Valent loamy sand, Sundance loamy sand, Bijou-Valent loamy sands, and the Colby silt loam are highly susceptible to erosion by the wind. Intensive management is required for preventing wind loss of the soils through maintaining a cover of plants or stubble at all times, maintaining a cloddy surface, and using minimum tillage, terracing, and stripcropping. Because of the relatively high surface permeability of most of these soils, surface runoff caused erosion is a low hazard on this site when compared to wind erosion.

During the 1970s, numerous unvegetated and open sandy spots, and severely wind-eroded spots were indicated on both sides of Sand Creek in central portions of the massacre site by soil scientists. These spots were observed in the Sundance and the Valent loamy sands west of the creek and the Colby silt loam and Wiley loam east of

³⁵Joseph A. Sharps, "U. S. Geologic Map of the Lamar Quadrangle, Colorado and Kansas," 1:250,000, Map I-944 (U.S. Department of the Interior: U.S. Geological Survey, 1976).

³⁶Coffin.

the creek and were a result of combined factors of climate, erodible/dry soils, and land use.³⁷

There have been severe dry periods recorded in the last century in the area, most notably during the 1930s and again in the 1950s. Even as recently as the 1980s, there were some dry years that caused concern for erosion of open soil areas in eastern Colorado.

The impacts of drought on the agricultural efforts throughout the county were a combination of the climatic conditions that occurred and the type of agricultural effort that was ongoing. For example, local wind-caused soil erosion in eastern Colorado during the 1950s greatly exceeded that caused by the large dust storms of the 1930s because the amount of land cultivated by powerful mechanized farm implements increased during the 1940s and 1950s.

Prime or Unique Agricultural Farmlands of State and Federal Importance

In August 1980, the Council on Environmental Quality (CEQ) directed that federal agencies must assess the effects of their actions on farmland soils classified by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) as prime or unique. Prime or unique farmland is defined as soil that particularly produces general crops such as common foods, forage, fiber, and oil seed; unique farmland produces specialty crops such as fruits, vegetables, and nuts. According to NRCS, none of the soils in the project area are classified as prime and unique farmlands. Along the east side of Sand Creek there are soils that have high potential as dry cropland and would also be considered "prime" if they were irrigated. Irrigation of these soils is considered unlikely due to the difficulty and expense of obtaining and applying water, and some poor water quality concerns.

Oil, Gas, and other Subsurface Minerals

The study site sits along the center of the northeast-southwest trending axis of the Las Animas Arch 38. Gas production is from the Lower Pennsylvanian fluvial (deposited by water) sands of the Morrow Group. There is also hydrocarbon production more distant from the site from Mid Pennsylvanian Cherokee group marine sands.

Gas was discovered approximately 20 km southwest of the study area in 1952 in the Morrow Group in the McClave Field. An additional 19 gas wells were developed in the Morrow Group in Kiowa and surrounding counties through the mid 1970s. Oil bearing reservoirs were discovered close to the site along the Las Animas Arch in 1964. Most of the activity near the site has been to the northwest, northeast and east.

³⁷ Anderson, et al.

³⁸ James M. Robertson and Ronald F. Broadhead, *Atlas of Major Rocky Mountain Gas Reservoirs, Southeast Colorado [EC] Plays-Overview* (New Mexico Bureau of Mines and Mineral Resources, 1993, 185 pp.

Gas produced in the area has an unusually high percentage of Helium gas (as high as 3 % compared to most other gas holding less than 1.5%). Helium is being produced and marketed from a refinery northeast of the site in Cheyenne Wells.

Most of the drilling near the site has not encountered oil or gas. Some additional drilling for gas may occur near the site, but discoveries to date would not indicate high hydrocarbon potential. There are no known mineral extraction operations in the vicinity of the site other than several oil/gas wells. Subsurface mineral rights in the study area are currently held by individual landowners. The current and future owners/lessees of the subsurface mineral rights may develop these rights on the site.

Utility Rights-of-Way

The individual properties within the site have a variety of easements and rights-of-way for electrical power and telephone service. Only one major underground natural gas pipeline crosses the site (on Bill and Tootie Dawson's land) in a southwest-northeast heading. Provisions for normal access for periodic monitoring, repairs, and certain future improvements would accompany such a right-of-way.

Vegetation

The primary grass found in the area is blue gramma grass and buffalo grass, accompanied by some switchgrass and side-oats gramma. Western wheatgrass is also found in the lower, more moist swales. Where grazing has been excessive and on drier slopes, sand sage has gained a foothold. Trees on the site are eastern cottonwood, found in even-aged groves close to current or historic seasonal stream traces of Sand Creek

In the area surrounding the site, there is little active farming by cultivation. Land placed under cultivation primarily east and north of the site has been regularly in milo, sorgham and millet, and is normally too dry for wheat. The dry and sandy nature of the land has been found to be most suitable to grazing, although several sections (Sections 12 and 13 Range 46, Township 17 South) of land in and bordering the study site have been placed into the USDA Conservation Reserve Program (CRP). The CRP is a federal program administered by the Natural Resources Conservation Service and was developed as part of the 1996 Farm Bill to preserve lands that had been tilled and could be preserved for plant or wildlife habitat through planting and protection from grazing or future farming.³⁹

Non-indigenous (non-native) plants are found in Kiowa County and throughout southeastern Colorado, but are not a large problem currently along Sand Creek and the study area. Cheat grass and the sand burr or goatshead are probably some of the more common nuisance species on the site, but Canada thistle is troublesome east of the site, and leafy spurge is prevalent in Lincoln County to the northwest.⁴⁰ Changes in

³⁹L. Dean Luokonen, USDA National Resource Conservation Service, District Conservationist, Kiowa County, personal communication with John Reber, National Park Service, Physical Scientist, December 1999-March 2000.

⁴⁰Luokonen communication.

grazing, climate (precipitation), nearby tillage, and the ongoing spread of certain non-indigenous species, may change the face of the landscape and the plant and animal community supported.

Wildlife

No surveys of wildlife were made on the site for this study. Local residents, regional and state agency personnel, and published accounts were consulted.

Large wildlife in the area of the site consists of free-ranging mule deer, white-tail deer, and pronghorn. Other mammals include coyote, fox, raccoon, badger and prairie dogs. Compared with some habitat areas in Colorado, the grasslands harbor relatively few bird species. Only in summer, when food, cover, and attractive nesting sites are available, are birds abundant on the site. Agricultural grazing and cropping have reduced historic bird uses regionally, but lightly grazed and Conservation Reserve Program lands provide some excellent grassland habitat to birdlife. Large cottonwoods along Sand Creek provide nesting and perch sites for larger raptors such as the Swainson's and ferruginous hawks as well as the smaller American kestrel. Golden eagles are common winter residents of the area. The most common birds found year-round on the site would be the horned lark; the Colorado state bird, lark bunting; and the western meadowlark. White-crowned sparrow, slate-colored junco, red-winged blackbird, common grackle, European starling, black-capped chickadee, common raven, black-billed magpie, ring-necked pheasant and western kingbird would also be present locally or regional to the site during portions of the year. Several owls could be common to the site, including the burrowing owl and the great-horned owl.⁴¹

Threatened and Endangered Species

There are no known occurrences of state or federally listed threatened or endangered species on the site at the time of this study, but such surveys are incomplete within Kiowa County. No surveys have been made for listed species on this study site. The state and federally listed "proposed threatened" mountain plover is a likely summer resident on the site (common in Kiowa County), particularly on level areas where grazing is intensive or grasses are very short and sparse. The lesser prairie-chicken (candidate for the state and federal listing) may exist as a year-round resident on and/or near the site. The black-tailed prairie dog (Candidate for federal listing) is common on portions of the Bill Dawson property. Because there are black-tailed prairie dogs on portions of the site, the state and federally listed endangered black-footed ferret may also be a resident on and/or near the site.

⁴¹Robert Andrews and Robert Righter, *Colorado Birds* (Denver, CO: Museum of Natural History, 1992).

Table 3: Federally Listed Species and their Status in Kiowa County⁴²

SPECIES	STATUS
Bald eagle, <i>Haliaeetus leucocephalus</i>	Listed Threatened
Least tern, <i>Sterna antillarum</i>	Listed Endangered
Piping plover, <i>Charadrius melodus</i>	Listed Threatened
Eskimo curlew, <i>Numenius borealis</i>	Listed Endangered
Mountain plover, <i>Charadrius montanus</i>	Proposed Threatened
Lesser prairie chicken, <i>Tympanuchus pallidicinctus</i>	Candidate for listing
Black-footed ferret, <i>Mustela nigripes</i>	Listed Endangered
Swift fox, <i>Vulpes velox</i>	Candidate for listing
Black-tailed prairie dog, <i>Cynomys ludovicianus</i>	Candidate for listing
Arkansas darter, <i>Etheostoma cragini</i>	Candidate for listing

Hazardous Materials

There is no known contamination of soil or water onsite that would meet current state or federal requirements for a clean up, nor has any contamination been observed through several archeological surveys onsite. The current agricultural uses of the site would not normally cause contamination onsite, but a survey would be required for such before any land purchases are made.

Air Quality

The study site and the entire Kiowa County area have generally excellent air quality and meet the “attainment” status for all required air pollutants monitored in the National Ambient Air Quality Standards. The area is a Class II airshed; a Class II designation indicates the maximum allowable increase in concentrations of pollutants over baseline concentrations of sulfur dioxide and particulate matter, as specified in the 1963 Clean Air Act (42 U.S.C. 7401 *et seq.*). The Clean Air Act provides that the federal land manager has an affirmative responsibility to protect air quality related values (including visibility, plants, animals, soils, water quality, cultural resources, and visitor health) from adverse pollution impacts.

Environmental Justice

Executive Order 12898, "General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994), requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low-income populations and

⁴²*Federally Listed Species and their Status* (U.S. Department of the Interior, Fish and Wildlife Service, 2000).

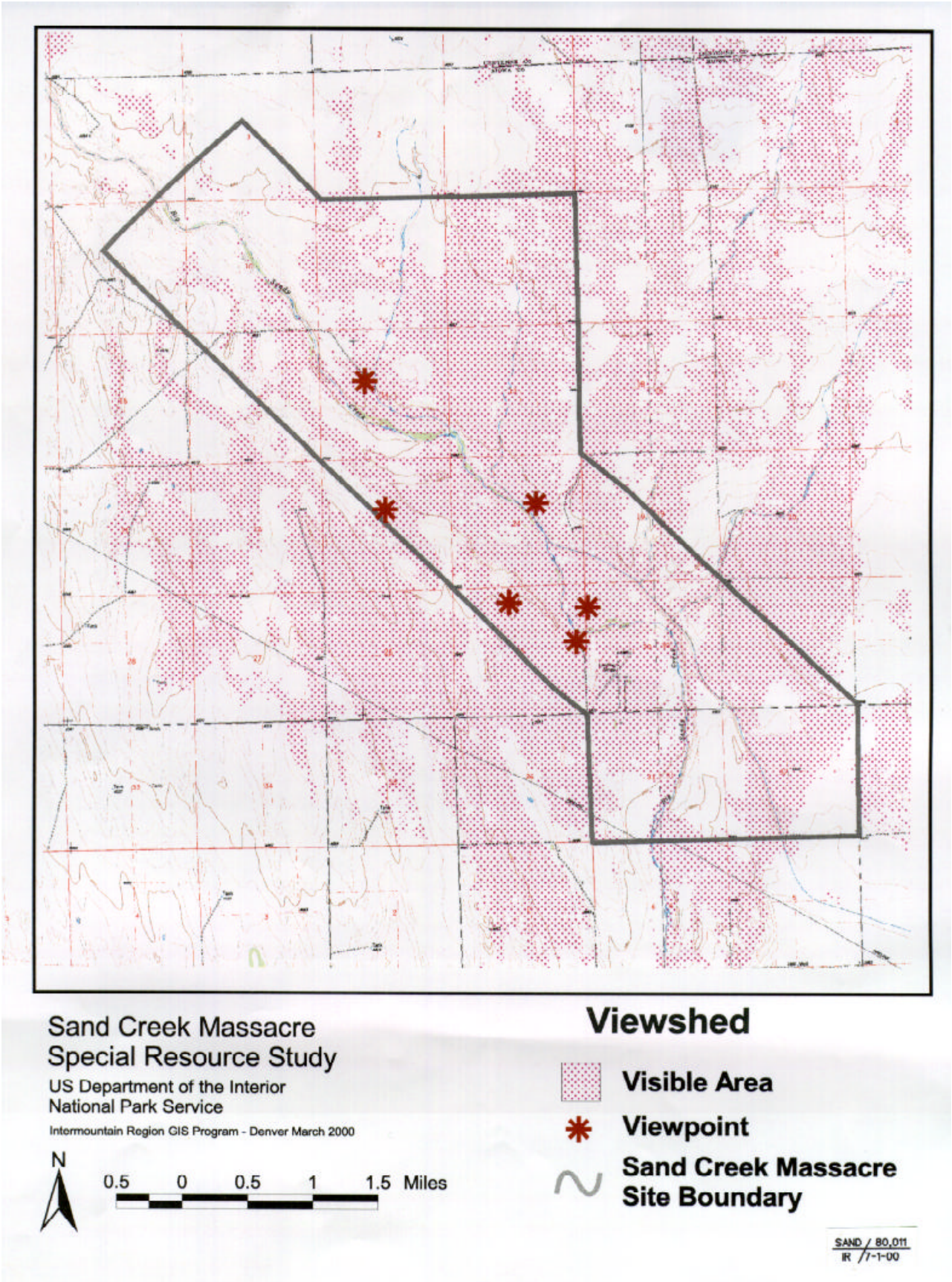
communities. None of the alternatives considered in this Special Resource Study/Environmental Assessment would have significant health or environmental effects on minorities or low-income populations or communities. Therefore, environmental justice was dismissed as an impact topic.

Night Sky

There is currently very little use of night lighting in a several mile radius area around the study site except for residential and agricultural operations. The night sky would be very dark on the study site.

Viewshed Analysis

A viewshed analysis map of the Sand Creek Massacre area is included within this report. The viewshed was calculated from six points located within the boundary of the Sand Creek Massacre site. Each point comprised the view of the landscape a six-foot tall person would have if he/she looked 360 degrees in any direction. The shaded area on the map indicates the areas visible under this scenario. As can be seen on the viewshed analysis map, the viewshed from the Sand Creek Massacre site is very extensive, and extends for several miles, particularly to the north, east, and south.



CHAPTER 7

SOCIOECONOMIC OVERVIEW OF THE SAND CREEK MASSACRE AREA

Kiowa County

Kiowa County was formed from Bent County in 1889. The creation of the county followed construction of the Pueblo and State Line Railroad through the area in 1887. The railroad encouraged settlement and a number of small communities were formed along the route. The area's peak of development occurred in the 1910s and 1920s, and the county's maximum population was reported in 1930. The area was hit hard by the Depression and Dust Bowl conditions of the 1930s and lost population in subsequent census years.

Geography

Kiowa County lies in east-central Colorado, 173 highway miles southeast of Denver, 113 miles east of Pueblo, and 36 miles north of Lamar, with the Colorado-Kansas state line as its eastern border. Kiowa County is a 1,794 square-mile rectangle with a notch missing from its northwest corner, extending approximately 78 miles east-west and 24 miles north-south.⁴³

Land within the county is generally flat to rolling. The 1930s Works Progress Administration (WPA) *Guide to Colorado* observed that, west of Eads, Highway 96 "crosses a succession of desolate brown hills relieved by clumps of yucca and matted stretches of prickly pear and ball cacti."⁴⁴ Topography generally falls from west to east within the county, from 4,538 feet to 3,500 feet. The only named summit in the county is Chivington Hill at 3,977 feet.

Creeks flow north to south through Kiowa County. The principal drainage, Sand Creek (Big Sandy Creek), with its tributary, Rush Creek, lies in the east-central portion of the county. Adobe Creek is located near the western end of the county, and Wild Horse Creek flows out of the southeastern corner of the county. All are

⁴³Salma A. Waters, ed., *Colorado Year Book, 1962-1964* (Denver: Colorado State Planning Division, 1964), pp. 1034-35.

⁴⁴Writers' Program, Work Projects Administration, *The WPA Guide to 1930s Colorado* (Lawrence, Kansas: University Press of Kansas, 1987; originally published New York: Hastings House, 1941), p. 294.

tributaries of the Arkansas River, which is located 11 miles south of the southern border of the county. The Great Plains Reservoirs (Neenoshe, Neesopah, Neeskah, and Neegronda) are located about 11 miles south of Eads and cover about 9,175 acres. Adobe Creek Reservoir straddles the Kiowa-Bent County line southeast of Arlington and covers 9,425 acres. Small Chivington Reservoir (also known as Brandon Lake and Chivington Reservoir No. 4) is three miles south of Brandon.

Population Estimates

Kiowa County was one of Colorado's least populous counties according to the 1990 census, with 1,688 inhabitants. The county ranked 58th out of the state's 63 counties. The population density was 0.9 persons per square mile. The largest census population recorded for the county came in 1930, when 3,786 persons made Kiowa County their home. Since then, the population has fallen steadily, to 2,425 in 1960 and 1,936 in 1980. July 1998 population estimates prepared by the Colorado Department of Local Affairs, Division of Local Government showed Kiowa County with 1,779 inhabitants, an increase of 91, and an annual growth rate of 0.6 percent since 1990.⁴⁵

The median age of the county's population was 37.0 years in 1990, with 28.7 percent under 18 years of age, and 19.7 percent 65 years and older. Members of minority racial groups comprised a small proportion (0.02 percent) of the county's total population in 1990. Persons of Hispanic origin (who may be of any race) accounted for 3.3 percent of the total population. The county's population was 99.9 percent native born in 1990, with German, English, and Irish the predominant ancestry groups reported.

All of the towns and unincorporated communities of Kiowa County are located along Colorado Highway 96. The county seat and largest town is Eads, which is located near the center of the county. The town's population in 1990 was 790; the July 1998 estimate was 846. There are two other incorporated places within the county: Sheridan Lake and Haswell. Sheridan Lake, 27 miles east of Eads, had a 1990 population of 95 and a 1998 population of 101. Haswell, 21 miles west of Eads, had 62 inhabitants in 1990, and 84 in 1998. The remainder of the county's population lived on farms and ranches and in such small, unincorporated places as Galatea and Arlington, west of Eads, and Chivington, Brandon, and Towner, east of Eads.

Anticipated Population Growth

Projections prepared by the Colorado Department of Local Affairs, Division of Local Government, anticipate slow growth for Kiowa County over the next several decades, from 1,779 in 1998 to 1,984 in 2025. This represents an increase of 205 persons or a 0.4 percent annual growth rate. The projected growth for Kiowa County is

⁴⁵U.S. Census of Population and Housing, 1990, Summary Tape Files 1A and 3A and Colorado Department of Local Affairs, Division of Local Government, demographic and economic estimates and projections, 1999.

considerably lower than for the state as a whole, which is projected to grow at an annual rate of 1.7 percent for the same period.

Number of Housing Units

The 1990 census showed 878 total housing units in Kiowa County in 1990. The overwhelming majority of these units (nearly 79 percent) were one-unit, detached structures, and nearly 17 percent were mobile homes or trailers. More than a quarter of total housing units (25.2 percent) were vacant in 1990. The average household size for occupied housing units was 2.5 persons in 1990. More than two-thirds (68.9 percent) of households were owner-occupied, versus 31.1 percent renter-occupied

Per Capita Income

The median household income for Kiowa County in 1989 was \$21,417; 13.8 percent of the area's population was categorized as below the poverty level for that year. The per capita income reported for 1989 was \$10,305. The estimated per capita income in 1997 was \$25,297, compared to an inflation-adjusted figure for 1990 of \$23,888, an increase of \$1,409 or 5.9 percent.



Illustration 7-1: Eads, Colorado, is the Kiowa County seat, and the closest community to the Sand Creek Massacre site. *John Reber*

Services

Kiowa County has limited services for visitors. The widest range of businesses is located in Eads, which features a motel, restaurants, gasoline stations, a grocery store, a lumber and hardware store, churches, and a newspaper (the *Kiowa County Press*). The Weisbrod Memorial Hospital and Nursing Home in Eads can accommodate 8 patients and 34 residents. Sheridan Lake has one restaurant. A visitors' information center on U.S. 287 was recently completed in Eads, with parking, restrooms, and a visitor information board.

Education

In 1990, 69.8 percent of Kiowa County's population 25 years and older were high school graduates; 9.1 percent were college graduates. This contrasts with 84.4 percent high school graduates and 27.0 percent college graduates for the state as a whole. The county is served by two public school districts. Eads RE-1, based in Eads, had a fall 1998 enrollment of 307 students and serves the western two-thirds of the county. Plainview RE-2 in Sheridan Lake covers the eastern one-third and had 87 pupils in 1998.⁴⁶ There are no community or four-year colleges in the county.

Occupations

According to the 1990 census, there were 767 persons in the Kiowa County labor force for an overall labor force participation rate of 61.4 percent. The unemployment rate was 2.9 percent. The predominant occupation in the county in 1990 was agriculture, engaging 232 persons (31.1 percent) out of 745 total employed persons 16 years and older. Nearly 20 percent of the workforce was employed in administrative support, sales, or technical jobs. Sixteen percent of county workers held service positions, while 13.6 percent were executives or professionals. The remaining employed workers were in such occupations as transportation, laborers, and machine operators (11.5 percent) and precision production and repair (7.9 percent). Few Kiowa County workers commuted to jobs outside the county: 90 percent worked within the county.

Recreational Opportunities

Adobe Creek Reservoir and the Great Plains Reservoirs provide a variety of recreational opportunities for visitors. The reservoirs are excellent warm water fisheries for crappie, wiper, walleye, and channel catfish. In addition to fishing, visitors can enjoy boating, waterskiing, windsurfing, camping, and wildlife viewing.

⁴⁶Colorado Department of Education, school district information and statistics, website: www.cde.state.co.us.

Hunting for small game and game birds is permitted at both locations, and deer and antelope may be hunted at Adobe Creek.⁴⁷

A public swimming pool is located in Eads, and three local recreation districts operate in different parts of the county. The Kiowa County Museum on main street in Eads contains a local history collection of historic photographs and other artifacts. The Woelk Park and Museum in Sheridan Lake is a private park and museum that includes one-room schoolhouses, a rural post office, and farm and railroad machinery moved to the site, which also features a picnic area and restroom.



Illustration 7-2: Kiowa County Museum. *John Reber*

Transportation

Two U.S. highways cross Kiowa County from north to south. U.S. 287 passes through Eads and U.S. 385 goes through Sheridan Lake. These highways link Kiowa County to U.S. 40, 20 miles to the north, and U.S. 50 and the Arkansas Valley, 24 miles to the south. The nearest interstate highways lie 56 miles to the north (Interstate 70) and 113 miles to the west (Interstate 25). The principal state highway through the county is Colorado 96, which crosses the area from east to west and links all of the

⁴⁷“Welcome to the Lakes of Southeast Colorado,” website: www.ruralnet.net, February 13, 2000.

communities in the county. All of the state and U.S. highways are two-lane, paved roadways.

The Pueblo and State Line Railroad was built across Kiowa County in 1887, along an alignment that parallels today's Colorado Highway 96. The line became part of the Missouri Pacific system in 1910 and later became part of the Union Pacific. The line was abandoned in 1997 and was acquired by the State of Colorado. An agreement is reportedly close for leasing the line to the Colorado, Kansas, and Pacific Railroad, which plans to begin operations this year.⁴⁸

No airlines or passenger railroads serve Kiowa County. Eads Municipal Airport, a mile west of the town, is an unattended facility with one runway, privately owned hangars, tie-down spots, and no services.

Industries

Agriculture is the dominant industry of Kiowa County. In 1997, Kiowa County had 339 farms or ranches encompassing 913,801 acres according to the Census of Agriculture taken that year. The average size of a farm or ranch was 2,696 acres. Most of the operations were dryland farming or grazing; only 25 farms covering 5,922 acres were irrigated. Cattle raising was the dominant livestock undertaking, with 26,549 cattle and calves on 170 ranches. Principal crops raised included: wheat for grain, 4.8 million bushels; sorghum for grain or seed, 920,340 bushels; corn for grain or seed, 200,207 bushels; and hay, 11,720 dry tons.⁴⁹ Grain elevators are located along the railroad route in Eads, Brandon, Sheridan Lake, and Haswell.

The 1990 census reported the number of workers by industrial sector for Kiowa County. Agriculture was the largest sector with about 34 percent of the total. Services (including business, personal, entertainment, health, educational, and other professional services) accounted for 27.4 percent of jobs. The retail trade sector employed 10.7 percent of all workers. Public administration had 5.6 of total workers, while construction comprised 5.1 percent of the total.

The largest private employers in the county are Newsham Hybrids, USA, a hog farm employing about 75 workers, and the Weisbrod Memorial Hospital and Nursing Home, which employs about 74 persons. The Colorado Interstate Gas Company employs 15 to 20 workers.

Utilities

Electrical power is provided to most of the county by the Southeast Colorado Power Association of La Junta. The Eastern Colorado Utility Company of Strasburg serves Sheridan Lake and an area to the northeast, while Wheatland Electric of Scott City, Kansas, provides power to Towner and the surrounding area.

⁴⁸*Kiowa County Press*, December 24, 1999.

⁴⁹U.S. Department of Agriculture, 1997 Census of Agriculture-County Data, Colorado, p. 167.

The Greeley Gas Company of Dallas, Texas, supplies natural gas to customers in Eads and Brandon. Propane gas is available from providers in Eads and Sheridan Lake. Eads and Haswell have municipal water systems, while the Sheridan Lake Water Company provides water to that town.

Value of Agricultural Land

According to Kiowa County sources, the assessed value for non-irrigated grazing land is \$3.55 per acre. According to estimates provided by the Kiowa County Economic Development Office, the market value of non-irrigated grazing land with no improvements was reported to be \$60 to \$100 per acre, with a best cost estimate of around \$75 per acre recommended. According to the Kiowa County Extension Office, agricultural land in Kiowa County has an average sales price of \$120 per acre.⁵⁰ These estimates appear to be in line with statistics reported in the 1997 Census of Agriculture, which reported an average value of \$264 per acre for Kiowa County farms and ranches; the latter figure included the cost of land and improvements and included irrigated as well as non-irrigated properties.

Visitation and Expenditure Forecasts

Both Alternatives 2 and 3 are projected to have an annual visitation of 20,000-30,000 people. Nearby Bent's Old Fort National Historic Site (NHS) was used as a guide for developing these visitation estimates. Bent's Old Fort NHS has averaged about 40,000 visitors per year during the past ten years, but differs in at least two significant respects from the Sand Creek Massacre site in ways that probably increase visitation: 1) Bent's Old Fort NHS is located just seven miles off U.S. Highway 50, an east-west transcontinental route that draws considerably more traffic than any of the highways passing through Kiowa County; and 2) Nearby La Junta is the principal town of the lower Arkansas Valley with a 1997 population of 8,179 and offers greater visitor amenities than exist in Kiowa County. It is also possible that Bent's Old Fort NHS may attract additional visitors because it features a standing structure rather than the open landscape of the Sand Creek Massacre site.

Little Bighorn Battlefield National Monument in Montana, the site of perhaps the most well-known U.S. Army-American Indian conflict, drew 363,841 visitors in 1996; it is located one mile off an interstate highway. Big Hole National Battlefield, 75 miles southwest of Butte, Montana, had 50,235 visitors in 1996. Fort Union Trading Post, 25 miles southwest of Williston, North Dakota, had 19,374 visitors the same year. For the reasons discussed above, it will take greater effort for visitors to access the Sand Creek Massacre site, which will consequently result in fewer visits than Bent's Old Fort NHS. Half of the Bent's Old Fort NHS recreation visits – 20,000 – was selected as a reasonable lower estimate for Alternatives 2 and 3.

⁵⁰George H. Ellicott, extension agent, Kiowa County, e:mail message to Thomas R. Simmons, Front Range Research Associates, Inc., March 3, 2000.

Average Length of Visitation

It is anticipated that visitors would spend 1 to 1 ½ hours at a Sand Creek Massacre Memorial (Alternative 2), and 2 hours at a Sand Creek Massacre Historic Site (Alternative 3), which would offer visitors the additional experience of walking out onto the massacre site itself. As comparison, the average length of a visitor's stay is 2 hours at Bent's Old Fort NHS, 1 ½ to 2 hours at Big Hole National Battlefield, 1 ½ hours at Little Bighorn Battlefield National Monument, and 45 minutes at Fort Union Trading Post National Historic Site.

Average Daily Expenditures of Visitors

The average daily expenditure of visitors to the Sand Creek Massacre area is estimated at \$120.59. This estimate is based on the expenditure at other National Park System units in Colorado, such as Bent's Old Fort NHS and Rocky Mountain National Park, according to 1996 compiled statistics.

State and Local Sales Tax Rate in the Area

The state sales tax rate is 3.0 percent. Kiowa County does not have a sales tax. The Town of Eads has a 2 percent sales tax rate.

State and Local Income Tax Rate in the Area

The current Colorado income tax rate is 4.75 percent. There are no local income taxes.

CHAPTER 8

MANAGEMENT ALTERNATIVES

Three alternatives are considered for the Sand Creek Massacre site. In accordance with National Park Service planning guides, and to reflect the range of alternatives mentioned by the public, one of these alternatives is a No Action Alternative that would continue existing conditions. The No Action alternative, known as Alternative 1, also serves as the basis for comparing the impacts of Alternatives 2 and 3. The two action alternatives – the Sand Creek Massacre Memorial (Alternative 2) and the Sand Creek Massacre Historic Site (Alternative 3) – both acknowledge the massacre, memorialize its victims, allow public access, and interpret the significance of the site. The differences between these two action alternatives relate primarily to who would manage the area, how much of the resource area would be protected, and how much of the resource would be open to the public. All three of the alternatives and their impacts are summarized in Tables 4 and 5. Additional alternatives may be generated by recombining various elements of each alternative.

A Common Element: Interpreting the Significance of the Sand Creek Massacre

Throughout the study process, numerous ideas were expressed about how best to commemorate and interpret the events of the Sand Creek Massacre. (The word “interpretation” has several meanings; in this study it refers to the educational activity that aims to reveal meanings and relationships through the use of original objects, by firsthand experience, and by illustrative media, rather than simply to communicate factual information.) Some of the ideas focused on how to best memorialize those who were killed at the site, and what form that memorial could take in terms of exhibits, memorial statues, and interpretive programs. However, regardless of which alternative is chosen and implemented, most of the comments emphasized the importance of increasing the public’s understanding of the Sand Creek Massacre, and that the interpretation and learning about Sand Creek should focus on four primary stories:

- ?? Significance of the Sand Creek Massacre event and site;
- ?? Remembrance of the victims of the Sand Creek Massacre;
- ?? Present-day living culture of the tribes associated with the Sand Creek Massacre;
- ?? Historical and cultural context of the Sand Creek Massacre.

These four stories are common to all three alternatives, regardless of whether or not visitors have access to the site.

Visitor Experiences Common to Alternatives 2 and 3

Alternatives 2 and 3 both allow public access to the Sand Creek Massacre site, although the amount of access varies significantly. People traveling to a site take individual and collective experiences away from their visit. Regardless of which of the two action alternatives is chosen and implemented at the Sand Creek Massacre site, visitors would have opportunities for:

- ?? A cross-cultural and spiritual experience;
- ?? Understanding of the relationships of present-day tribal people, especially Sand Creek descendants, to the massacre site;
- ?? Interacting with descendants of Sand Creek Indian victims or survivors;
- ?? Access to tribal oral histories of the Sand Creek Massacre – for appreciation and understanding by non-Indians, and for remembrance by tribal youth;
- ?? A physical connection with the massacre site's natural setting;
- ?? Interpretive and educational programs, both on and off site, which reach all age levels and cultural backgrounds;
- ?? Solitude and contemplation at the massacre site.

CHAPTER 9

ALTERNATIVE 1 – NO ACTION

Concept

Under this alternative, no action would be taken at the Sand Creek Massacre site. All of the land upon which the Sand Creek Massacre occurred – which extends approximately 5 ½ miles in length and two miles in width and includes approximately 12 sections of land – would continue in private ownership. Existing trends and conditions would continue. No actions would be taken to discontinue a present practice, or remove and/or improve an existing development.

Management

Under this alternative, the Sand Creek Massacre site would continue to be privately owned.

Visitor Experience

There would be no change from the existing visitor experience, which is minimal to nonexistent, along the approximate 5 1/2-mile length of the Sand Creek Massacre site. Because visitation is not encouraged – the massacre site is not identified or marked along nearby county roads or state highways, and there is no interpretation offered anywhere at the site – most visitors would not have any onsite experience. Some visitors would continue to seek landowner(s) permission to have access to portions of the massacre site or to the existing memorial marker. The marker, which only acknowledges that the massacre took place in the general area and the date of the event (incorrectly as November 29-30, 1864), would remain in its current location.

Resource Protection

Under this alternative, there would be no formal protection of the natural and cultural resources within the Sand Creek Massacre site, other than current landowner practices.

Land Acquisition Costs

There are no associated land costs with this alternative, as none of the land within the Sand Creek Massacre site would be acquired.

Development Costs

There would be no government development at the site; therefore there would be no development costs.

Operations and Staffing Costs

Under this alternative, there would be no onsite operations or staffing.

Impacts of Alternative 1

Land Use Impacts

Under the No Action Alternative, there would be no changes in the status of current land ownership. The land is currently used for agricultural purposes, and there are no foreseeable changes in land use patterns.

Visitor Experience Impacts

This alternative would have no impact on visitor experience. Some visitors would continue to trespass on private property to read the memorial marker or to view or visit the massacre site. No interpretation of the massacre would be offered onsite unless provided by landowners. Visitors to Kiowa County seeking information and interpretation about the massacre would continue to be limited to locations offsite, such as the interpretive wayside exhibit on U.S. Highway 287 in Eads.

Socioeconomic Environment Impacts

Since the existing land use patterns would continue and there is no foreseeable additional development at the massacre site, there would be no new economic opportunities and no new impacts on the socioeconomic environment of Kiowa County. Landowners would continue to be subjected to requests for visitor access, which may cause problems in terms of trespassing, trashing, vandalism, and privacy issues.

Cultural Resource Impacts

This alternative is likely to have a long-term adverse impact to the Sand Creek Massacre site. Under this alternative, the Sand Creek Massacre site would continue to be owned and managed by private property owners, and would be subject to development, artifact collection, and uses as determined by the landowners. As is now the case, any Sand Creek Massacre-related artifacts found on private lands would belong to the property owners. And, because the location of the Sand Creek Massacre has now been identified, the site is at increased risk for trespassing, and illegal artifact collection. Archeological resources may be vulnerable to surface disturbance, inadvertent damage, and vandalism. A loss of the surface archeological materials, alteration of artifact distribution, and a reduction of contextual evidence would result.

Removal of artifacts would result in the loss of important historic and scientific information about the massacre.

Under this alternative, the Sand Creek Massacre could be nominated for listing on the National Register of Historic Places or as a National Historic Landmark, although these designations would provide only minimal additional protection as long as the land continues to be privately owned. Any additional state or federally sponsored archeological surveys on the property would require owner consent.

Ethnographic Resource Impacts

Alternative 1, which continues the existing ownership/use, jeopardizes the ethnographic resources by the mere fact that protection is minimal and that trespassing and artifact hunting are constant threats. The destruction and/or loss of the cultural material associated with the massacre and Indian occupation of the site would have major, long-term, adverse effects for the tribes associated with the Sand Creek Massacre. Under this alternative, tribal members would also have to continue to ask permission to go onto the massacre site, and to perform any ceremonies onsite.

Natural Resource Impacts

Overall, this alternative would have negligible impacts to the natural resources of the Sand Creek Massacre site. Under this alternative impacts to natural resources would continue to occur to the same degree as currently occurring, and be mostly under the same controls by local landowners with some modification from county, state and federal regulations and programs.

Water Quantity: Water quantity in Sand Creek, the associated springs on the east side of the creek's floodplain, and the groundwater would not be altered under this alternative and would continue to be adequate for the site's current use.

Water Quality: Water quality in Sand Creek should continue to be of generally good quality although with limitations of use as potable water due to high alkalinity. No significant changes in ephemeral and seasonal flow characteristics of the creek would be expected. The perennial spring that flows from the northeast into Section 30 and the Dawson South Bend would continue to flow and be used for stock and some wildlife watering. Current land uses on the site are not significantly affecting water quality in the creek. No current threat to surface or groundwater is apparent, although intensive livestock raising operations could present a threat to both if inadequately sited or operated.

Water Rights: There would be no changes to water rights on Sand Creek or its minor tributaries under this alternative. Individual wells operated by current property owners on the site for residential and stock watering purposes would remain the same.

Wetlands: The narrow strip of wetlands that borders Sand Creek throughout the length of the site would continue to exist as it does currently. There would continue to be minor erosional impacts to the wetlands from agricultural grazing and owners' vehicular operations crossing the creek.

Floodplains: No current flood survey or floodplain delineation exists for the Sand Creek drainage at or nearby the site. Anecdotal evidence and observations of the watershed and the site suggests that there are no structures or uses of the land that are threatened by flooding along Sand Creek except for occasional loss of fencing and small portions of vegetation on grazed land. The floodplain bordering Sand Creek and the flooding condition that occurs seasonally (primarily during summer thunderstorms) would not be expected to experience any change in this alternative.

Geology/Soils: There would continue to be minor erosion and deposition of soils by wind and water actions on the site in this alternative, but no major changes would be expected while land use continues as it is currently and climatic patterns do not drastically shift. Since there are no agricultural soils designated as prime or unique within the site, there would be no impact to them in this alternative.

Agriculture: The current diverse agricultural uses of the site would not be expected to change in this alternative. The site would be expected to continue in mixed use of livestock grazing, Conservation Reserve Program lands, and minor amounts in tilled dryland cropping.

Oil, Gas, and other Subsurface Minerals: Based upon the relatively limited quantities and insufficient economics associated with minerals available beneath the site, it is not expected that there would be any significant changes or impacts from the exploration or extraction of subsurface minerals in this alternative.

Utility Rights-of-Way: The individual properties within the site have a variety of easements and rights-of-way for electrical power, natural gas, and telephone service. Only one major underground natural gas pipeline crosses the site (on the Dawson property) in a southwest-northeast heading. There would be no impacts to these utility easements or rights-of-way in this alternative.

Vegetation: Current vegetation throughout the site reflects the past and current uses and would not be expected to significantly change in this alternative unless the land uses themselves changed. Lands within the Conservation Reserve Program, with contracted agreements on grassland protection, would not be impacted in this alternative. Some non-indigenous plants have made some headway in portions of the site and in Kiowa County (leafy spurge, sand burr, goatshead, and bindweed), but are not expected to significantly change unless there are land use changes.

Wildlife: Large wild mammals (mule and white-tail deer, pronghorn) game exist with smaller cottontail and jack rabbit, badger, prairie dog, and fox. Birdlife is abundant during spring and summer, particularly on the Conservation Reserve Program lands and close to the cottonwoods and water. There would be no changes expected to wildlife, wildlife habitat, or hunting in this alternative.

Threatened and Endangered Species: While there are no known occurrences of state or federally listed threatened or endangered species on the site, surveys have not been undertaken at this time. Under this alternative it is unknown, but not expected, that a significant change in presence or level of protection would occur to species onsite listed as threatened or endangered unless there were land use changes.

Hazardous Materials: There is no known contamination of soil or water onsite that would meet state or federal requirements currently or in the future for clean up although no specific survey has been performed. Under this alternative there should be no impact from hazardous materials on or off site.

Air Quality: In this alternative there would be no air quality impacts to the Class II airshed and a continued “attainment” status to National Ambient Air Quality Standards would be expected.

Night Sky: There would be no major changes expected in the use of lighting for nighttime operations, facilities or activities in this alternative. Thus, there should be no significant impacts to the dark night sky.

CHAPTER 10

ALTERNATIVE 2 – SAND CREEK MASSACRE MEMORIAL

Concept

This alternative represents the minimal action needed to memorialize the Cheyenne and Arapaho people who were killed at the Sand Creek Massacre, to allow access to an area overlooking a portion of the massacre site, and to provide an interpretive summary of that historic event. The memorial would be commemorative in nature. Protection of the historical resource is not a primary goal of a memorial.

Under this alternative, a segment of the Sand Creek Massacre site – the portion that is currently owned by Bill and Tootie Dawson – would be acquired for the establishment of a memorial. The land that would be acquired under this alternative would be approximately 1/3 of Section 24 and all of Section 25, Township 17 South, Range 46 West, and all of Section 30, Township 17 South, Range 45 West.

Management

The Sand Creek Massacre Memorial could be managed by the National Park Service, the Cheyenne and/or Arapaho Tribes, the State of Colorado, Kiowa County, or a private individual or organization. The memorial would be designed to commemorate the massacre and its victims. Such a memorial need not be on the site actually associated with the historic event. In the case of the Sand Creek memorial, only a portion of the massacre site – including only one-half of the National Park Service-identified Indian encampment area – is within the memorial boundary. The boundary also does not include the area that historical documentation indicates is the location of the sandpits, as well as the area of Indian flight. Under this alternative, the historic resource itself would not be guaranteed protection.

While it would be possible to establish a new memorial on as little as one section of land (640 acres), the Dawsons have indicated that they are not willing to sell only a portion of their land. However, they have indicated a willingness to sell all of their land (21/3 sections) within the massacre site boundary and relocate. A memorial could also include more than the 2 1/3 sections proposed here.

The Dawson land was chosen as the site for the memorial because it: a) is adjacent to the closest county road to the Sand Creek Massacre site; b) includes a bluff that would provide an overlook of the massacre site; c) is of a size and configuration that would support a new memorial, visitor contact station, overlook trail, access road, parking,

and comfort station; and; d) is the location of the current commemorative marker that has been in place since 1950.

Visitor Experience

Under this alternative, the visitor experience at the massacre site would be expanded over Alternative 1. Directional signs along state highways and improved county roads could guide visitors to the Sand Creek Memorial off of County Road W, where they would have access to an area overlooking a portion of the historic massacre site. Visitors would be able to visit a new memorial commemorating the Cheyenne and Arapaho casualties of the massacre. Visual access to the historic scene would provide an opportunity for contemplation.

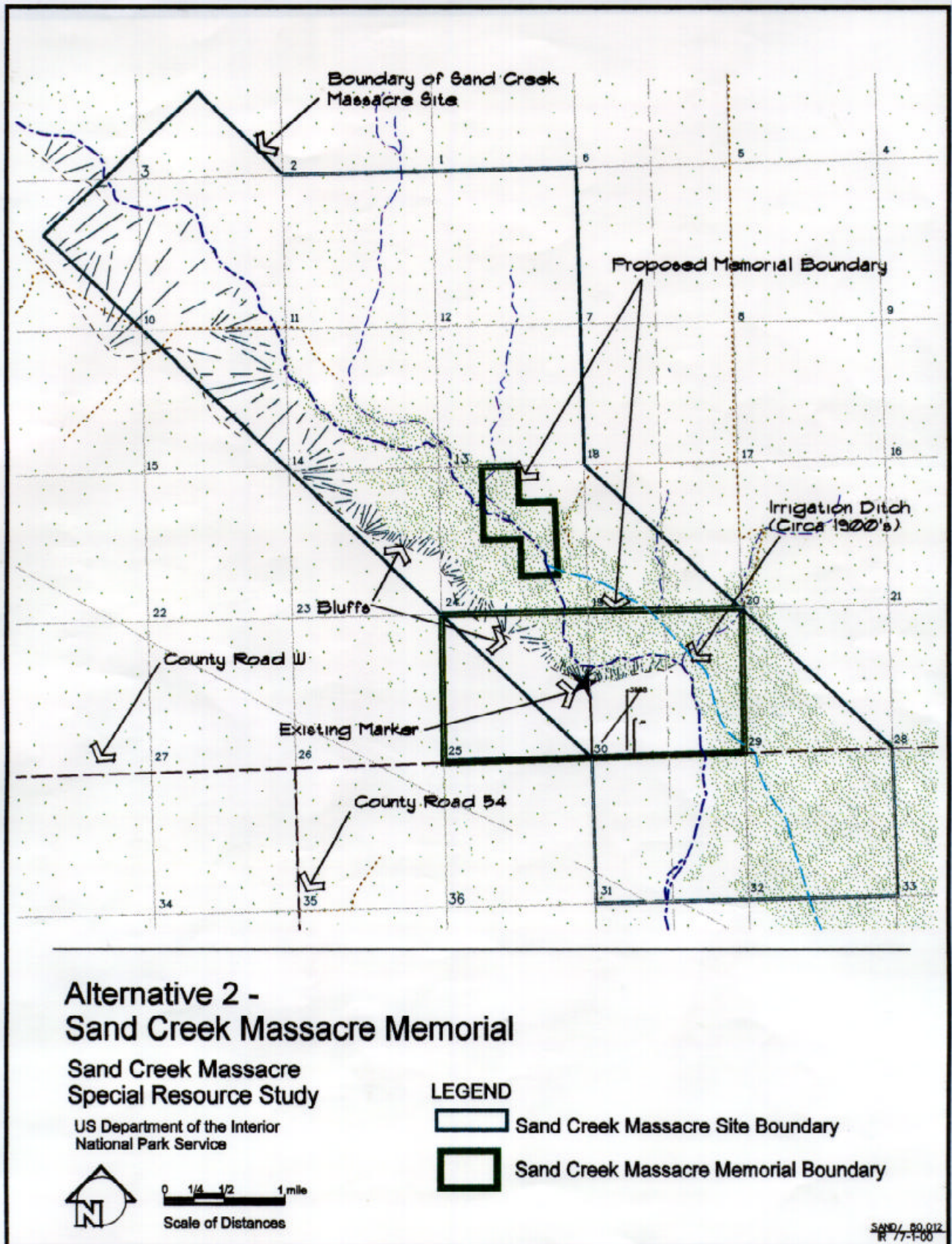
Depending on management at the site, new services at the overlook area – such as a visitor contact station, access trail/road, parking and a comfort station – could support visitation. Interpretive staff would be stationed onsite. Low-key interpretive media at the overlook area, such as a wayside exhibit or publication, could describe details of the massacre event and its significance. There is the possibility for an existing location in Eads offering visitor contact (such as the Kiowa County Museum or Kiowa County Courthouse) to provide expanded orientation and interpretation through personal services and a variety of media, including interactive computers, exhibits, publications, and audiovisual programs. At a minimum, interpretation should include some background and details of the massacre event, and discuss its significance. Depending on management of the site, there is also the possibility for theme-related sales items such as audio and videotapes, publications, and maps that could be available for purchase in a location such as Eads. A driving guide identifying region-wide features associated with the massacre, such as the lodgepole trail/ military trail and the historic Fort Lyon site, could also be developed and distributed.

Resource Protection

The primary goal of a memorial is commemoration, not resource protection. This alternative would provide minimal protection for a small portion of the massacre site. Under this alternative, 2 1/3 sections of land would be acquired for the establishment of a memorial. The acquired property would include one half of the National Park Service-identified Indian encampment area. The majority of the Sand Creek Massacre site (an additional 9 2/3 sections of land) would continue to be privately owned, and there would not be any additional formal protection for those natural and cultural resources.

Land Acquisition Costs

Under this alternative, 2 1/3 sections of land (approximately 1,500 acres) would be acquired. Land acquisition costs for Alternative 3, which encompasses 19.5 sections of land, are estimated at \$2 million, which would include land costs, appraisals, title, closing, escrow services, contaminant surveys and other costs associated with



acquisition, assuming that funding is made available in the near future. Land acquisition costs for Alternative 2, which encompasses only 2 1/3 sections of land, would be proportionally less.

Development Costs

Estimated costs are based on very broad needs typically associated with the development of a new national memorial. If the memorial becomes a unit of the National Park System, NPS would develop a General Management Plan and a Development Concept Plan that would better outline facility needs. National Park Service appropriations also would be required for annual operations and capital improvements. Fund raising efforts could be conducted to raise non-federal funds from private individuals, trusts, foundations and corporations to support maintenance and operational activities at the site.

If managed as a National Park Service national memorial, development costs for the site would be approximately \$9,000,000. Visitor facilities included in the estimate include a new memorial, visitor contact station, curatorial storage, access road, parking and trails, and administration and maintenance facilities. Funding for these facilities could come from many sources including, but not limited to, donations from non-profit organizations, private individuals, and corporations. During development of this estimate it was assumed that employee housing would be available in the surrounding area

Operations and Staffing Costs

Operational and staffing costs would include a staff of approximately 14, including park management, interpretive rangers, curatorial and resource staff, and maintenance personnel. Employee salaries and benefits will total approximately \$710,000 annually. Operational costs for supplies, materials and equipment will be approximately \$300,000 annually. Costs would be borne by the management organization.

Impacts of Alternative 2

Land Use Impacts

The acquisition of approximately 2 1/3 sections of Kiowa County land for the establishment of a Sand Creek Massacre Memorial would result in long-term major changes to those acquired lands, which would no longer be used for agricultural purposes. Land use for the majority of the massacre site would be unaffected.

Visitor Experience Impacts

This alternative would have long-term, major, beneficial impacts for visitors. Visitors would have access to an area overlooking a portion of the massacre site, thereby increasing their understanding of the event in terms of location and setting and providing a place for commemoration and contemplation. Interpretation would enhance visitor understanding of the massacre and respect for the lives lost and the long-term impact of the massacre on tribes and their descendants. However, the lack of access to most of the massacre site itself would disappoint some visitors.

Socioeconomic Environment Impacts

The establishment of a Sand Creek Massacre Memorial would have moderate to major beneficial effects on the socioeconomic environment of the region in terms of increased sales, tax benefits, and number of jobs created. These benefits would be both short and long term. In terms of short-term benefits (one-time contribution) related to the construction of facilities associated with the Sand Creek Massacre Memorial, approximately \$11,329,800 would be generated in direct and indirect sales; approximately \$679,900 would be generated in increased tax benefits; and approximately 280 jobs would be created at some point during the time of development. In terms of tourism, the Sand Creek Massacre Memorial is projected to have an annual visitation of as many as 30,000 people, and it is anticipated that these visitors would spend 1 to 1 ½ hours at the site. This tourism would result in increased total combined sales of approximately \$1,741,800 and increased tax revenue of approximately \$104,600 per year. Annual operations associated with the Sand Creek Massacre Memorial would create approximately 44 new jobs (not including memorial staff). Each additional 1,000 visits would result in an additional \$21,900 in total combined sales, \$1,300 in increased tax revenue, and one new job created. It must be noted, however, that these increased sales, tax benefits, and number of jobs created are not likely to affect only Kiowa County, and will be distributed over a wide geographic area.

Under this alternative, one landowner (Bill and Tootie Dawson) would have to relocate, as their residence is located within the boundary of the Sand Creek Massacre Memorial. Since much of the Sand Creek Massacre site would not be within the boundary of the Memorial, adjacent landowners would be subjected to requests for visitor access. As a result, this alternative may have a long-term adverse effect on the adjacent landowners in terms of trespassing, trashing, vandalism, and privacy issues.

The establishment of the Sand Creek Massacre Memorial may result in a need for improved county roads to the site, the cost of which may have to be borne by Kiowa County.

Cultural Resource Impacts

This alternative would have minor, long-term, beneficial impacts for a portion of the cultural resources associated with the Sand Creek Massacre. Under this alternative, 2 1/3 sections of land would be acquired. The acquired property would include one half of the National Park Service-identified Indian encampment area. However, the

majority of the Sand Creek Massacre site (an additional 9 2/3 sections of land) would continue to be privately owned and subject to development, artifact collection, and uses as determined by the landowners. As is now the case, any Sand Creek Massacre-related artifacts found on private lands would belong to the property owners. In addition, because the location of the Sand Creek Massacre has now been identified, the entire site is at increased risk for illegal artifact collection and trespassing, increasing the possibility of long-term adverse impacts. Archeological resources would be vulnerable to surface disturbance, inadvertent damage, and vandalism. A loss of the surface archeological materials, alteration of artifact distribution, and a reduction of contextual evidence would result. Removal of artifacts would result in the loss of important historic and scientific information about the massacre.

Archeological surveys should be conducted prior to any ground-disturbing activities at the memorial site, including the construction of a visitor contact station, access road, parking lot, and memorial. As only reconnaissance-level archeological surveys have been conducted at the site, there is a high potential to uncover additional artifacts associated with the Sand Creek Massacre. All areas within the memorial not previously surveyed should be examined for cultural remains by qualified professional archeologists. Additional archeological investigations, including recording and mapping, and a rigorous program of sampling/collecting/testing of archeological features and artifacts also should be performed in those areas where cultural remains would be affected by the plan.

In order to minimize adverse impacts to the site, prior to any land-modifying activity, a qualified professional archeologist should inspect the present ground surface of the proposed development site and the immediate vicinity for the presence of cultural remains, both prehistoric and historic. Should newly discovered or previously unrecorded cultural remains be located, additional investigations would need to be accomplished prior to earth-disturbing activities. Similarly, in those areas where subsurface remains appear likely, an archeologist should be on hand to monitor land-modifying actions.

Although this alternative will result in permanent impacts on the historic scene by the possible introduction of a visitor contact station, new memorial, access road, and comfort facilities, these impacts can be minimized through the use of sensitive design and indigenous materials. Trails and roads should follow the contours of the land. In the same way, visitor facilities as well as parking and comfort facilities should be carefully located to minimize the visual and audio impact of vehicles.

Under this alternative, the entire Sand Creek Massacre site could be nominated for listing on the National Register of Historic Places or as a National Historic Landmark, although these designations would not provide any additional protection for those lands that continue to be privately owned. Any additional state or federally sponsored archeological surveys on the privately held portion of the massacre site would require owner consent.

Ethnographic Resource Impacts

Alternative 2 would have a minor beneficial impact on ethnographic resources, as it would provide only minimal protection for a portion of the Sand Creek Massacre site. Trespassing and artifact hunting would be constant threats to the majority of the massacre site. Any destruction and/or loss of human remains or other cultural material associated with the massacre and Indian occupation of the site would have major, long-term, adverse effects for the tribes associated with the Sand Creek Massacre. Under this alternative, tribal members would also have to continue to ask permission from private landowners to access portions of the massacre site.

While the entire landscape has spiritual significance, specific ethnographic resources have been mentioned in Cheyenne and Arapaho oral histories. A formal ethnographic assessment would be needed prior to any development at the memorial in order to fully identify ethnographic resources and develop appropriate interpretation and management methods for them. Any ethnographic studies and resulting management decisions must be based on tribal expertise.

Natural Resource Impacts

In this alternative impacts to natural resources would increase over Alternative 1. In the case of impacts to wetlands, soils, vegetation, and hazardous materials on those lands acquired for the development of the Sand Creek Massacre Memorial, the impacts would be minor and generally beneficial. Most of the Sand Creek Massacre site would remain under the same current controls by local landowners with some influence from county, state and federal regulations and programs.

Construction of new facilities to support the visitor experience will have a temporary adverse impact on the site. Construction practices that limit disturbance by equipment and personnel should be engaged. This should include fencing construction limits, employing an archeologist to monitor impacts, constructing and maintaining silt fences to prevent runoff, and steam cleaning and maintaining heavy equipment to minimize foreign matter intrusion onsite.

Water Quantity: Water quantity in Sand Creek, the associated springs on the east side of the creek's floodplain, and the groundwater would not be altered in this alternative and would continue to be adequate for the site's current land use. A minor increase in groundwater use might occur on the site or nearby because of establishment of a well for potable use for visitor facilities. This well would be expected to have a minor effect upon groundwater locally.

Water Quality: Water quality in Sand Creek should continue to be of generally good quality although with continued limitations of use as potable water due to high alkalinity. Although no significant changes in ephemeral and seasonal flow characteristics of the creek would be expected in this alternative, they would be outside the control of this site. The perennial spring that flows from the northeast into Section 30 and the Dawson South Bend would continue to flow and be used for stock and some wildlife watering. The source and contributing watershed of this historically important spring would not be controlled in this alternative, and quality and quantity

of the spring would be potentially at risk from upstream land use or water rights. Current land uses on the site are not significantly affecting water quality in the creek. No current threat to surface or groundwater is apparent, although intensive livestock raising operations could present a threat to both if inadequately sited or operated.

Water Rights: There would be minor changes to water rights on Sand Creek and its minor tributaries that are within the site area that are acquired in this alternative. Individual wells used and operated by current property owners surrounding the acquired site would continue for residential and stock watering purposes. A water right would possibly be sought for a portion of the in-stream water in Sand Creek, and for the spring source and groundwater that was a historic source of potable water by the Indian tribes in 1864. Any well established for visitor facilities onsite or nearby would likely be considered an “exempt” status well, not requiring a new water right. Water rights sought and established by the acquiring land manager should have insignificant impacts upon neighboring areas.

Wetlands: The narrow strip of wetlands that borders Sand Creek throughout the length of the site would continue to exist as it currently does. There would continue to be minor erosional impacts because of agricultural grazing and owners’ vehicular crossing of the creek. There would be potential of minor erosion and sedimentation to wetlands during construction of the potential small developments in this alternative. A portion of the wetlands included in the acquired property could be beneficially affected through impact protection and possible rehabilitation.

Floodplain: No current flood survey or floodplain delineation exists for the Sand Creek drainage at or nearby the site. Anecdotal evidence and observations of the watershed and the site suggests that there are no structures or uses of the land that are threatened by flooding along Sand Creek except for the occasional loss of fencing and small portions of vegetation on grazed land. The floodplain bordering Sand Creek and the flooding condition that occurs seasonally (primarily during summer thunderstorms) would not be expected to experience any change in this alternative. The floodplain would in fact be further protected in this alternative by provisions directing only limited development in the floodplain (particularly for a federal land manager, under Executive Order 11988 “Floodplain Management”). Developments for this alternative that would occur within the floodplain should be fully compatible with flood threats.

Geology/Soils: There would continue to be minor erosion and deposition of soils by wind and water actions on the site in this alternative but the acquired property could have beneficial controls put in place to reduce the erosion potential. A potential for temporary and minor soil erosion exists during the construction of developments proposed in this alternative. No major changes in soils on surrounding lands would be expected while land use continues as it is currently and climatic patterns do not drastically shift. Since there are no agricultural soils designated as prime or unique within the site, there would be no impact to them in this alternative.

Agriculture: Most of the current diverse agricultural uses of the site would not be expected to change in this alternative. The site would be expected to continue in mixed use of livestock grazing, Conservation Reserve Program lands, and minor

amounts in tilled dry-land cropping. The acquired property would remove approximately 2 1/3 sections, which represents less than 0.2 % of Kiowa County's farms and ranches from agricultural use (mostly grazing).⁵¹ This alternative would be an insignificant impact to agriculture in Kiowa County.

Oil, Gas, and other Subsurface Minerals: There are no known extractive subsurface mineral activities within the site other than several oil/gas drill sites. Subsurface mineral rights are currently held or leased by the individual private owners of the site. The current and future owners/lessors of the subsurface rights to minerals would have full rights to develop those rights on the site in this alternative. The manager of the land acquired in this alternative could request involvement in planning for drill site locations and road access with the oil/gas lessor, in order to reduce potential visual and land disturbance impacts to the site.

If the site becomes a national memorial, the federal government will make every effort to acquire both the surface and subsurface rights to the property. If the surface estate is transferred to the United States but the seller reserves the rights to the oil and gas (since there are no known extractive subsurface minerals), all oil and gas operations would be conducted to prevent or minimize damage to the environment and other resource values, in accordance with 36 CFR Part 9, Minerals Management, Subpart B, Nonfederal Oil and Gas Rights. If subsurface mineral rights are purchased with the land acquired in this alternative only minor visual impacts would be expected to the site's visitors. Based upon the current knowledge of somewhat limited and insufficient economics of minerals available beneath the site, it is not expected that there would be any significant changes or impacts from the exploration or extraction of subsurface minerals in this alternative.

Utility Rights-of-Way: The individual properties within the site have a variety of easements and rights-of-way for electrical power, natural gas, and telephone service. There would be no impacts to these utility easements or rights-of-way on properties not acquired in this alternative. Only one major underground natural gas pipeline crosses the site (on the land proposed for acquisition) in a southwest-northeast heading. Provisions for normal access for periodic monitoring, repairs, and certain future improvements would accompany such a right-of-way. Any proposed developments on the acquired property would be minimally impacted by such existing limitations of the right-of-way. There would be no impacts to other utility easements or rights-of-way in this alternative.

Vegetation: Current vegetation throughout the site reflects the past and current uses and would not be expected to significantly change in this alternative unless the land uses themselves changed. Some non-indigenous plants have made some headway in portions of the site and in Kiowa County (leafy spurge, sand burr, goatshead, and bindweed), but are not expected to significantly change unless there are land use changes.

⁵¹U.S. Department of Agriculture, 1997 Census of Agriculture-County Data, Colorado, p. 167.

In this alternative, vegetation on 2 1/3 sections of land could be beneficially impacted through the possible removal of grazing, control of non-indigenous weeds, and possible rehabilitation of native shortgrass prairie by the land manager for the land acquired. The remainder of the site not acquired in this alternative would likely not incur any significant impacts to vegetation unless land use changes occurred. Vegetation on lands in the site held in the Conservation Reserve Program would not be impacted in this alternative.

The visitor contact station, memorial, access road, parking area, and trails should be constructed in a manner that minimizes the area disturbed. To minimize adverse impacts, topsoil from disturbed areas should be set aside and replaced following construction, minimizing the loss of organic material in the soil. These areas also should be reseeded with native species to speed the rate of recovery and to minimize the encroachment of invading species.

Wildlife: Large wild mammals (mule and white-tail deer, pronghorn) and game exist with smaller cottontail and jack rabbit, badger, prairie dog, and fox. Birdlife is abundant during spring and summer, particularly on the Conservation Reserve Program lands and close to the cottonwoods and water. Hunting for in-season wildlife occurs on portions of the site that are privately owned, but hunting would likely be curtailed on any lands acquired in this alternative. There would be only minimal changes expected to wildlife, hunting, and wildlife habitat in this alternative.

Threatened and Endangered Species: While there are no known occurrences of state or federally listed threatened or endangered species on the site, surveys have not been undertaken at this time. The U.S. Fish and Wildlife Service has recently declared that the black-tailed prairie dog is a candidate for listing and it might possibly be listed as threatened within the next few years. Because there are prairie dogs on portions of the site that would be acquired in this alternative, the state and federally listed endangered black-footed ferret may also be a resident on and/or near the site. The land manager would have to abide by species “taking” and consultation requirements of the Endangered Species Act for any listed species occurring onsite. In this alternative, where 2 1/3 sections of land would be acquired, it is unknown, but not expected that a significant change would occur to species onsite listed as threatened or endangered unless there were land use changes.

Hazardous Materials: There is no known contamination of soil or water onsite that would meet state or federal requirements currently or in the future that might necessitate clean up, although no specific contamination survey has been performed. In this alternative there should be a screening level site inspection (e.g. Level I Environmental Site Assessment Survey, or equivalent, would be required prior to any federal purchase) prior to land acquisition to establish the potential for any hazardous materials, condition, or contamination on the property. In this alternative, any contamination on the site meeting state or federal clean up requirements would be addressed prior to land acquisition. This alternative would provide benefits to the site and the area if any contamination is encountered during further studies.

Air Quality: In this alternative there would be an increase in visitor traffic by automobiles and buses from State Highway 50 from the south and from U.S. Highway 287 from the north to the site and possibly to Eads. While only rough estimates have been made of the magnitude of the traffic increase, and there are no estimates of what the actual level of air pollutants produced would be, this alternative would likely produce negligible adverse impacts. Several gravel county roads that access the site would have to be treated regularly to control dust for visitor and resident satisfaction or possibly paved at some time in the future.

Construction of new facilities to support the visitor experience will have a temporary adverse impact on the site. Dust-borne particulate matter and noise pollution will be present during development of the site, and there could be minor and temporary impacts to local air quality due to fugitive dust during construction. Through sensitive design and construction techniques, the dust would be controlled and minimized while any development is occurring in this alternative. There should be no air quality impacts to the Class II airshed and a continued “attainment” status rating to National Ambient Air Quality Standards would be expected for the area.

Night Sky: Signs, access roads, parking areas, trails, wayside exhibits, comfort facilities, and a visitor contact station should only require minimal safety and informational lighting in this alternative. All such lighting could be sensitively designed/installed to project or reflect minimal light to the night sky. There would be minor changes in the use of lighting for nighttime operations, facilities or activities in this alternative. Thus, there should be no significant impacts to the dark night sky.

CHAPTER 11

ALTERNATIVE 3 – SAND CREEK MASSACRE HISTORIC SITE

Concept

This alternative would establish a historic site that would protect the Sand Creek Massacre site and its critical viewshed and provide for visitor access and enjoyment. Under this alternative, approximately 19.5 sections of land (12,480 acres) would be included within the boundaries of the Sand Creek Massacre Historic Site. This would include the 12 sections that encompass the core of the massacre site, and an additional 7.5 sections needed to protect resources, critical viewsheds, and natural resource environments. This includes all or portions of Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, and 36 of Township 17 South, Range 46 West; and Sections 17, 18, 19, 20, 29, 30, 31, and 32 of Township 17 South, Range 45 West.

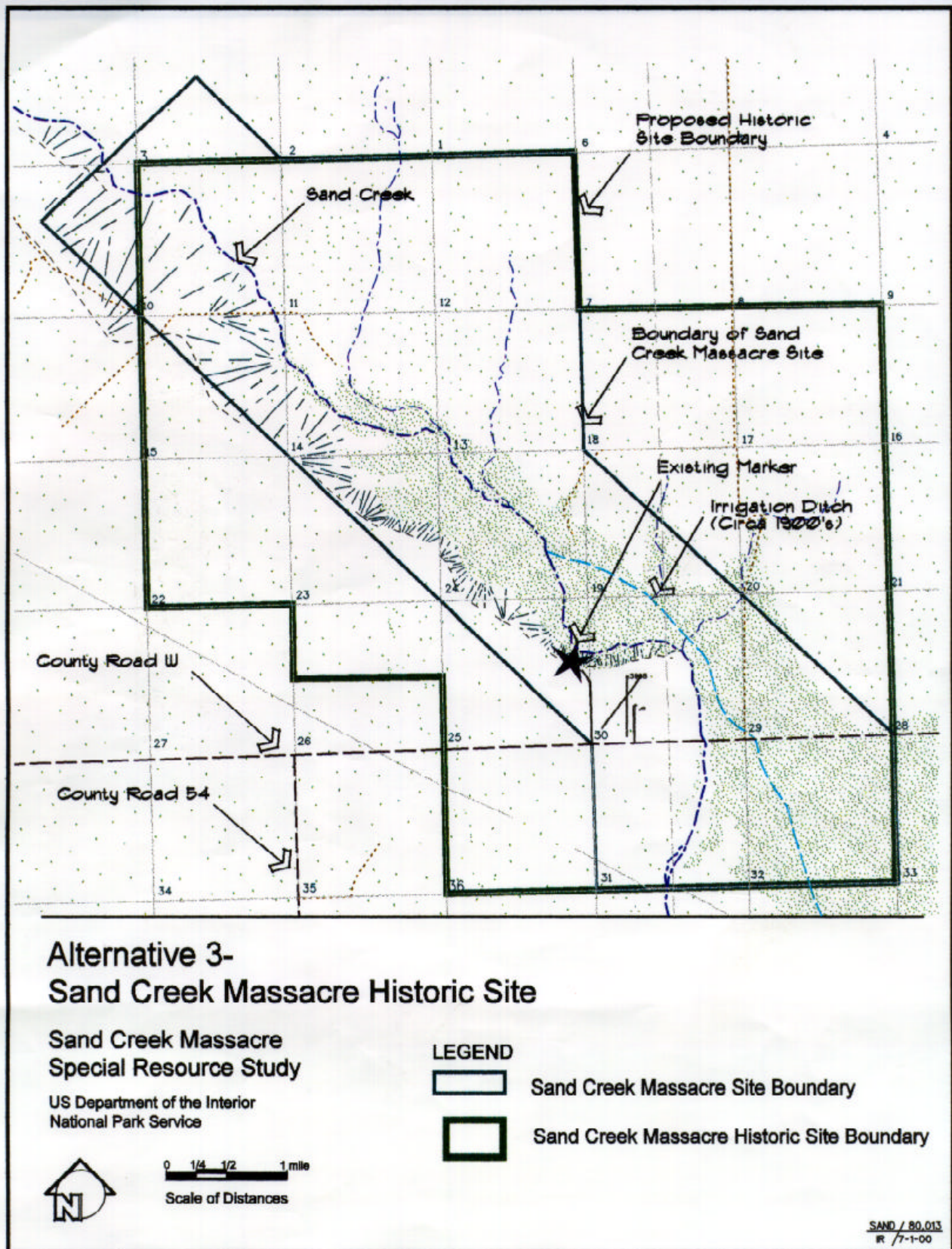
Management

The Sand Creek Massacre Historic Site could be managed by the State of Colorado or the National Park Service. (During project consultation, the tribes indicated that they were not interested in tribal management of the historic site.) Options for the ownership and management of the Sand Creek Massacre site include:

Option 1: National Historic Site with National Park Service Management and Tribal Ownership

This option is the tribally preferred alternative. Under this option, the site would become a unit of the National Park System, managed by the National Park Service, on lands that are at least partially owned by the United States in trust for the tribes. Some of the land within the historic site boundary would be protected through acquisition by the federal government in trust for the tribes. The lands would be purchased in phases, as money and/or land becomes available. Lands within the historic site boundary not acquired by the federal government in trust for the tribes would be protected through a variety of mechanisms, which could include landowner agreements and zoning.

The overall management of the area would be consistent with the terms and conditions outlined in a written agreement administered by the National Park Service. The intent of the written agreement would be to ensure consultation with tribes on the development and implementation of management plans for the site, to ensure that necessary and appropriate visitor services are maintained, and that the area is preserved and interpreted consistent with National Park Service standards.



The National Park Service would maintain primary authority for the operations and maintenance of the site.

Under this option, the site would be acquired and managed as follows:

- A) Land within the historic site would be acquired over time as available, with federal funds or by donation and be held in trust by the Secretary of the Interior for the tribes.
- B) The National Park Service would, under a written agreement, consult with the tribes on the development and implementation of management plans for the Sand Creek Massacre National Historic Site.
- C) As in the case of other National Park System units such as El Malpais National Monument in New Mexico, the tribes would have special rights of access to and use of federally acquired lands within the National Historic Site, consistent with the terms and conditions of the written agreement. In addition, the special needs of the Indian descendants of the Sand Creek Massacre shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the National Historic Site.
- D) Any of the tribes could jointly or individually acquire additional lands within or in proximity to the National Historic Site. These lands would be acquired without the use of federal funds, e.g. through donation of lands or through purchase of lands with tribal, state, or other non-federal funds. The following would apply to such acquired lands:
 - 1. On request of the acquiring tribe(s), the acquired lands would be taken in trust by the United States for the tribe(s).
 - 2. The lands would be used non-commercially as determined by the acquiring tribe(s), e.g., for cemetery, cultural, traditional, ceremonial and/or other non-commercial purposes, consistent with the purposes of a National Historic Site.
 - 3. Subject to the availability of funds, on request of the acquiring tribe(s), the National Park Service would provide technical assistance and administrative funding.
- E) The establishment of the National Historic Site would not in any respect satisfy, release or discharge any claim arising under Article 6 of the Treaty of the Little Arkansas River with the Cheyenne and Arapaho, October 14, 1865.

Option 2: National Historic Site with National Park Service Ownership and Management

Under this option, the site would become a unit of the National Park System, managed by the National Park Service. Some of the land within the National Historic Site boundary would be protected through acquisition by the federal government. The lands would be purchased in phases, as money and/or land become available. Lands within the historic site boundary not purchased by the federal government would be

protected through a variety of mechanisms, which could include landowner agreements and zoning.

Under this option, the site would be acquired and managed as follows:

- A) Land within the historic site would be acquired over time as available, with federal funds or by donation.
- B) The National Park Service would, under a written agreement, consult with the tribes on the development and implementation of management plans for the Sand Creek Massacre National Historic Site.
- C) As in the case of other National Park System units such as El Malpais National Monument in Grants, New Mexico, the tribes would have special rights of access to and use of federally acquired lands within the National Historic Site, consistent with the terms and conditions of a written agreement with the tribes. In addition, the special needs of the Indian descendants of the Sand Creek Massacre shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the National Historic Site.
- D) Any of the tribes could jointly or individually acquire additional lands within or in proximity to the National Historic Site. Management and use of those lands within the National Historic Site would be consistent with the purpose of the National Historic Site and with terms and conditions outlined in a written agreement. These lands would be acquired without the use of federal funds, e.g. through donation of lands or through purchase of lands with tribal, state, or other non-federal funds. The following would apply to such acquired lands:
 - 1. On request of the acquiring tribe(s), the acquired lands would be taken in trust by the United States for the tribe(s).
 - 2. Be used non-commercially as determined by the acquiring tribe(s), e.g., for cemetery, cultural, traditional, ceremonial and/or other non-commercial purposes, consistent with the purposes of the National Historic Site and with the terms and conditions outlined in a written agreement.
 - 3. For tribally owned land within the boundary of the National Historic Site, the tribe(s) may request technical assistance for use and management of those lands under the authorities of the National Park Service's national preservation and recreation partnership programs.
- E) The establishment of the National Historic Site would not in any respect satisfy, release or discharge any claim arising under Article 6 of the Treaty of the Little Arkansas River with the Cheyenne and Arapaho, October 14, 1865.

Option 3: State Historic Site with State Ownership and Management

Under this option, the site would become a state historic site, managed by the Colorado Historical Society. Similar to Options 1 and 2, some of the lands within the

historic site boundary would be protected through acquisition by the state government. The lands would be purchased in phases, as money and/or land becomes available. Lands within the historic site boundary not acquired by the state would be protected through a variety of mechanisms, which could include landowner agreements and zoning.

Under this option, the site would be acquired and managed as follows:

- A) Land within the historic site would be acquired over time as available, with state funds or by donation.
- B) The State of Colorado would, under a written agreement, consult with the tribes on the development and implementation of management plans for the historic site.
- C) The tribes would, under a written agreement, have special rights of access to and use of state-acquired lands within the historic site.
- D) Any of the tribes could jointly or individually acquire additional lands within or in proximity to the historic site. These lands would be acquired without the use of state funds, e.g. through donation of lands or through purchase of lands with tribal or other funds. The following would apply to such acquired lands:
 - 1. On request of the acquiring tribe(s), the acquired lands would be taken in trust for the tribe(s).
 - 2. Be used as determined by the acquiring tribe(s), e.g., for cemetery, cultural, traditional, ceremonial and/or other non-commercial purposes.
 - 3. On request of the acquiring tribe(s), the acquired lands would be administered through a state-funded written agreement, or similar arrangement, through which the State of Colorado would provide technical assistance and administrative funding to the acquiring tribe(s).
- E) The establishment of the historic site would not in any respect satisfy, release or discharge any claim arising under Article 6 of the Treaty of the Little Arkansas River with the Cheyenne and Arapaho, October 14, 1865.

Visitor Experience

The visitor experience at the massacre site would be expanded over Alternative 2. In addition to visiting a new memorial, visitors would be able to walk onto the massacre site itself. Visitors would have opportunities to see the village sites, the sandpits area, and the general direction of Indian attempts to flee from the oncoming soldiers. Visitors would experience solitude and contemplation as they view and walk over portions of the historic landscape. Trail access to some areas may be restricted to protect resources or promote sanctity.

In addition to directional signs along roads and services at the overlook area, a trail(s) system would support visitor access to the massacre site. While services such as

camping and picnic areas within the general area would increase visitors' ability to extend the length of their stay at the historic site, they are not considered essential elements under this alternative. Future planning would evaluate the need for such facilities and alternatives for providing them, should the need be justified.

An expanded visitor contact station (in a new or extant building, either on or offsite) would offer a wide range of orientation, interpretive, and educational opportunities, including personal services and a variety of media (interactive computers, exhibits, publications, audiovisual programs, etc.). The amount of interpretation offered would be expanded to include details of the massacre event, its background and significance, and historical and cultural context. Interpretive emphasis would be placed on information from tribal oral histories, as well as artifacts from the massacre site. Visitors interested in in-depth information and interpretation of the story would have resources available. Educational and outreach programming would target Indian as well as non-Indian youth and life-long learners. Theme-related sales items such as audio and videotapes, publications, and maps would be available for purchase. These items would be respectful of the massacre story and the people involved. As in Alternative 2, a driving guide identifying region-wide features associated with the massacre, such as the lodgepole trail/ military trail and the historic Fort Lyon site, could be developed and distributed.

Resource Protection

This alternative would provide the greatest amount of protection for the entire Sand Creek Massacre site, its critical viewsheds, and natural resource environments. Under this alternative, the entire massacre site would be within the boundary of a designated historic site, providing for the greatest amount of protection of the site's cultural resources. The historic site boundary would encompass the Indian village that was attacked by the U.S. Army, the sandpits, the area of Chivington's approach, and the area of Indian flight. In addition, the boundary would preserve the viewsheds surrounding the historic massacre site.

Land Acquisition Costs

Under this alternative, as much as 12,480 acres of land could be acquired, although it may be that only a portion of the land would be acquired through fee acquisition and that other lands would remain in private ownership as inholdings within the historic site. Land acquisition costs are estimated to be \$2 million, which would include land costs, appraisals, title, closing, escrow services, contaminant surveys and other costs associated with acquisition, assuming that funding is made available in the near future.

Development Costs

The estimated costs are based on very broad needs typically associated with development of a new National Historic Site that would include visitor and operational facilities. If the Sand Creek Massacre Site becomes a unit of the National Park

System, the National Park Service would develop a General Management Plan and a Development Concept Plan that would better outline facility needs. Under this scenario, the National Park Service would develop these facilities.

If the site becomes a National Historic Site, National Park Service appropriations would be required for annual operations and for capital improvements. In addition, fund raising efforts could be conducted to raise non-federal funds from private individuals, trusts, foundations and corporations to support maintenance and operational activities at the site.

Development costs for the site would be approximately \$11,600,000. Visitor facilities included in the estimate include a visitor contact station, curatorial storage, access road, parking and trails, and administration and maintenance facilities. During development of this estimate it was assumed that employee housing would be available in the surrounding area.

Operations and Staffing Costs

At the fully staffed level, it is estimated that approximately 19 Full-Time Equivalent (FTE) employees would work at the Sand Creek Massacre Historic Site. The employees would include park management, park rangers, interpretive rangers, curatorial and resource staff, and maintenance personnel. Employee salaries and benefits will total \$960,000 annually. Operational costs for supplies, materials, and equipment will be approximately \$300,000 annually.

Impacts of Alternative 3

Land Use Impacts

This alternative would result in major changes to land use at the Sand Creek Massacre site. Some of the lands within the historic site boundary would be protected through acquisition, and these lands would be managed consistent with the purposes of a historic site. Land not acquired by the federal, state and/or tribal government would be protected through a variety of mechanisms including landowner agreements and zoning. Owners of inholdings will continue valid and existing practices, unless otherwise noted in the enabling legislation.

Visitor Experience Impacts

This alternative will have long-term, major, beneficial impacts on the visitor experience. Visitor understanding of the entire story of the massacre, presented within its context onsite, through outreach, and at a visitor contact station (on or offsite), would be greatly increased. The multiple perspectives offered through expanded interpretation would foster respect for other cultures. Because visitors would walk over portions of the massacre site, they would have a memorable physical connection with the land, as experienced from the on-ground perspective of the troops and tribes

involved with the massacre. However, the presence of visitors on the massacre site would present a visual impact upon the historic scene.

Socioeconomic Environment Impacts

The establishment of a Sand Creek Massacre Historic Site would have moderate to major beneficial effects on the socioeconomic environment of the region in terms of increased sales, tax benefits, and number of jobs created. These benefits would be both short and long term. In terms of short-term benefits (one-time contribution) related to the construction of the Sand Creek Massacre Historic Site, approximately \$13,920,000 would be generated in direct and indirect sales; approximately \$828,200 would be generated in increased tax benefits; and approximately 350 jobs would be created at some point during the time of development. In terms of tourism, the Sand Creek Massacre Historic Site is projected to have an annual visitation of as many as 30,000 people, and it is anticipated that these visitors would spend two hours at the site. This tourism would result in increased total combined sales of approximately \$2,206,400 and increased tax revenue of approximately \$131,400 per year. Annual operations associated with the Sand Creek Massacre Historic Site would create approximately 55 new jobs (not including memorial staff). Each additional 1,000 visits would result in an additional \$21,900 in total combined sales, \$1,300 in increased tax revenue, and one new job created. It must be noted, however, that these increased sales, tax benefits, and number of jobs created are not likely to affect only Kiowa County, and will be distributed over a wide geographic area.

Under this alternative, one landowner (Bill and Tootie Dawson) would have to relocate, as their residence is located within the boundary of the Sand Creek Massacre Historic Site. Other landowners who choose to sell all or portions of their agricultural land within the historic site may need to relocate some of their agricultural operations. The sale of some of these properties may also represent a loss of lease income for some of the current owners. As these lands are purchased, they will no longer be used for agricultural uses and will be removed from the tax rolls of Kiowa County. However, Kiowa County will be compensated for this lost revenue through Payment in Lieu of Taxes (PILT).

The establishment of the Sand Creek Massacre Historic Site would require additional infrastructure. The establishment of the Sand Creek Massacre Historic Site may result in a need for improved county roads to the site, the cost of which may have to be borne by Kiowa County. There would also be a need for new utilities at the site.

Cultural Resource Impacts

Overall, this alternative would have major, long-term, beneficial impacts on the cultural resources associated with the Sand Creek Massacre. The entire Sand Creek Massacre site would become part of an established historic site and, as such, would be protected from inappropriate development, trespassing, vandalism, and artifact collecting. Federal and/or State law would prohibit private artifact-collecting activities within the historic site, and any additional massacre-related artifacts found at the site would belong to the owning agency (state or federal). In addition, a rigorous program of ranger patrol and general education would be implemented to discourage

vandalism and inadvertent destruction of cultural remains. Known archeological sites would be visited periodically to determine the need for protection, preservation, or data retrieval necessitated by natural erosion or human impact.

Although this alternative also would result in the greatest amount of disturbance to the Sand Creek Massacre site, this development would be designed for the least possible impact to the cultural resources and their contextual environment while providing for visitors' enjoyment opportunities. Sustainable design and construction practices would be used to lessen the intrusion of new construction on the historic scene. This could include the use of indigenous materials and passive and active alternative energy sources. Trails and roads would follow the contours of the land. Parking and comfort facilities would be carefully located to minimize the visual and audio impact of vehicles. Vehicles would be screened from view through the use of berms and vegetation (as determined appropriate by a Cultural Landscape Report). Buildings would have a low profile and be located in such a manner to minimize intrusion in the landscape. Although the managing agency (federal, state, and/or tribal) would have no authority over private land beyond park boundaries, site managers could work with adjacent landowners to map visually sensitive areas and provide technical assistance in reducing and/or eliminating potential impacts on the site.

Historic building and archeological surveys would be conducted prior to any ground-disturbing and/or construction activities at the site. As only reconnaissance-level archeological surveys have been conducted at the site, there is a high potential to uncover additional artifacts associated with the Sand Creek Massacre. All areas not previously surveyed would be examined for cultural remains by qualified professional archeologists. Additional archeological investigations, including recording and mapping, and a rigorous program of sampling/collecting/testing of archeological features and artifacts would be performed in those areas where cultural remains would be affected by the plan.

Prior to any land-modifying activity, a qualified professional archeologist would inspect the present ground surface of the proposed development site and the immediate vicinity for the presence of cultural remains. Should newly discovered or previously unrecorded cultural remains be located, additional investigations would be accomplished prior to earth-disturbing activities. Similarly, in those areas where subsurface remains appear likely, an archeologist would be on hand to monitor land-modifying actions.

These surveys would identify and evaluate cultural resources associated with all prehistoric or historic contexts associated with the site, including the cultural landscape. The boundary of the historic site includes buildings and structures of at least three ranch complexes that need to be evaluated for their eligibility to the National Register of Historic Places. In addition, there may be resources associated with the prehistoric occupation of the site, prehistoric and historic trails through the area, the settlement of New Chicago, the construction of the Chivington Canal, and the open range cattle industry.

Long-term management at the site would restore the site to as near as possible to its 1864 appearance, including the possible elimination of the Chivington Canal, restoration of portions of the stream channel, and treatment of exotic plant species. Once restoration is undertaken, an increased commitment to sustaining the restoration period appearance would be necessary. Because of the dynamic nature of many landscape features, especially topography, vegetation, and water, landscapes frequently undergo cyclical changes, growth, and reproduction, which could result in much more elaborate and expensive maintenance requirements.

Ethnographic Resource Impacts

Alternative 3 would have a long-term, major, beneficial impact on the ethnographic resources of the Sand Creek Massacre as it protects the entire historic landscape. Any level of development and public visitation will impact the spiritual qualities of the massacre site, yet access to the site will allow all people to better understand the meaning of the massacre. In addition, Indian people must have access to the site for ceremonial and traditional purposes.

While the entire landscape has spiritual significance, specific ethnographic resources have been mentioned in Cheyenne and Arapaho oral histories. A formal ethnographic assessment would be needed prior to any development at the historic site in order to fully identify ethnographic resources and develop appropriate interpretation and management methods for them. Any ethnographic studies and resulting management decisions must be based on tribal expertise. Alternative 3 is the only management alternative that encompasses within its boundary the natural spring in Section 20 of Township 17 South, Range 45 West. As noted earlier in this report, the Cheyenne believe that the spring associated with the Indian encampment attacked by Chivington's troops may be the one located in Section 20.

In the event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction or anytime in the future, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 would be followed. This is a beneficial impact of implementing this alternative.

Natural Resource Impacts

Establishment of a historic site with a full range of visitor experience opportunities and the need of the management agency to actively protect cultural and natural resources will create a need for facilities that promote these activities. These facilities would be designed to both enhance understanding of the site and to protect its resources. In this alternative, impacts to natural resources would increase over Alternatives 1 and 2 but would be of only minor adverse significance and mostly minor benefits. Fee acquisition and/or conservation easements on land within the site would result in a minimization of impacts to the site's natural resources.

There would be some minor and temporary development impacts onsite (more than in Alternative 2) that would mostly result in temporary disturbances. Construction practices that limit disturbance by equipment and personnel would be used. These

include fencing construction limits, employing an archeologist onsite to monitor impacts, constructing and maintaining silt fences to prevent runoff, and steam cleaning and maintaining heavy equipment to minimize foreign matter intrusion onsite.

Water Quantity: The flow quantities of Sand Creek, local groundwater levels, and the springs associated with the creek's eastern floodplain would not be impacted by development or use proposals in this alternative. The preservation and maintenance of the natural intermittent flow and periodic flooding character of Sand Creek would be particularly desired by the land manager of the site, since it would provide a natural way to maintain the site characteristics most similar to the 1864 period.

Water Quality: Water quality in Sand Creek should continue to be of generally good quality although with continued limitations of use as potable water due to high alkalinity. No significant changes in ephemeral and seasonal flow characteristics of the creek would be expected in this alternative, although control would remain outside the management of this site. The perennial spring in section 20 that flows from the northeast into Section 30 and the Dawson South Bend would continue to flow and be available for wildlife watering. Only portions of the source and contributing watershed of this historically important spring could be beneficially controlled in this alternative, and quality and quantity of the spring could only be controlled through fee ownership, easement, or water right. Additional springs found further northwest along the floodplain would be better protected, since most of their watersheds could be part of the acquired and/or protected land.

Current land uses on the site are not significantly affecting water quality in the creek but land acquisition and easements would provide water quality benefits by controlling erosion and the multiple effects of grazing. An onsite well (existing or newly drilled) could be used for the proposed visitor facilities. Minor impacts to surface water quality may occur during construction onsite, but would be minimized through design and mitigation practices. No current threat to surface or groundwater is apparent, although intensive livestock raising operations could present a threat to both if inadequately sited or operated. A land management plan by the site owner could help prevent future impacts to both surface and groundwater.

Water Rights: There would be minor changes to water rights on Sand Creek and its minor tributaries within the site area that are acquired. Water rights may have to be sought for surface water in Sand Creek to protect against future upstream water rights development through a federal reserved water right or an instream flow right through the Colorado Water Conservation Board. The federal reserved water right would be limited to a federal agency land manager, and would be used to protect the intermittent character of the stream as a historic, cultural, and/or natural site value. The instream flow protection granted by the Colorado Water Conservation Board could only be granted for "protection of the natural environment." Individual wells used and operated by current property owners surrounding the acquired site would continue in use for residential and stock watering purposes. A water right may also be sought for the spring source and groundwater that is believed to be the 1864 historic potable water source for the Indian tribes. An "exempt" status well could be acquired or established as a source for potable and facility water for visitor facilities; this well

would have no impact to local water rights. Water rights sought and established by the acquiring land manager should have insignificant impacts upon neighboring areas.

Wetlands: The narrow strip of wetlands that borders Sand Creek throughout the length of the site would continue to exist and improve as property is acquired in this alternative. There would continue to be minor erosional impacts due to agricultural grazing and owners' vehicular crossing of the creek upstream of the site until all parcels are acquired or easements are put in place, but onsite control of activity would be beneficial. Most of the wetlands included in the acquired property would be beneficially affected through impact protection and possible rehabilitation (particularly for a federal land manager, under Executive Order 11990 "Protection of Wetlands"). There would be potential of temporary and minor erosion and sedimentation to wetlands during construction of the developments proposed in this alternative.

Floodplain: No current flood survey or floodplain delineation exists for the Sand Creek drainage at or nearby the site. Anecdotal evidence and observations of the watershed and the site suggests that there are no structures or uses of the land that are threatened by flooding along Sand Creek except for the occasional loss of fencing and small portions of vegetation on grazed land. The floodplain bordering Sand Creek and the flooding condition that occurs seasonally (primarily during summer thunderstorms) would not be expected to experience any change in this alternative. The floodplain would in fact be further protected in this alternative by provisions directing only limited development in the floodplain (particularly for a federal land manager, under Executive Order 11988 "Floodplain Management"). Developments for this alternative that would occur within the floodplain would be fully compatible with flood threats.

Geology/Soils: There would continue to be minor erosion and deposition of soils by wind and water actions on the site in this alternative but the acquired property could have beneficial controls established to reduce the erosion potential. Lands controlled with easements could have heightened erosion control requirements, particularly for wind caused erosion. A potential for temporary and minor soil erosion exists during the construction of developments proposed in this alternative. No major changes in soils on surrounding lands would be expected while land use continues as it is currently and climatic patterns do not drastically shift. Since there are no agricultural soils designated as prime or unique within the site, there would be no impact to them in this alternative.

Agriculture: Most of the current diverse agricultural uses of the site would change in this alternative. The site would be expected to continue in mixed use of livestock grazing, Conservation Reserve Program lands, and minor amounts in tilled dryland cropping only as long as ownership remained private or conservation easements allowed such uses. The acquired property may eventually remove approximately 19.5 sections from agricultural use, less than 2% of Kiowa County's recorded farms or ranches (mostly grazing, and some of the land is already modified in allowed use by the Conservation Reserve Program). This alternative would be a minor impact to the agriculture in Kiowa County.

Oil, Gas, and other Subsurface Minerals: There are no known extractive subsurface mineral activities within the site other than several oil/gas drill sites. Subsurface mineral rights are currently held or leased by the individual private owners of the site. The current and future owners/lessors of the subsurface rights to minerals would have full rights to develop those rights on the site in this alternative. The manager of the land acquired in this alternative could request involvement in planning for drill site locations and road access with the oil/gas lessors both on the acquired property and nearby, in order to reduce potential visual and land disturbance impacts to the site.

The federal government will make every effort to acquire both the surface and subsurface rights to the property. If the surface estate is transferred to the United States but the seller reserves the rights to the oil and gas (since there are no known extractive subsurface minerals), all oil and gas operations would be conducted to prevent or minimize damage to the environment and other resource values, in accordance with 36 CFR Part 9, Minerals Management, Subpart B, Nonfederal Oil and Gas Rights. If subsurface mineral rights are purchased with the land acquired in this alternative mostly temporary and minor visual impacts outside the acquired lands would be expected to the site's visitors. Based upon the current knowledge of somewhat limited and economically infeasible minerals available beneath the site, it is expected that there would be mostly minor changes or impacts from the exploration or extraction of subsurface minerals in this alternative. Because this alternative may acquire as much as 19.5 sections of land, there is some potential for moderate impacts to visual resources of the visitors and from land disturbance from well drilling and vehicular access to well sites if the subsurface mineral rights are not purchased.

Utility Rights-of-Way: The individual properties within the site have a variety of easements and rights-of-way for electrical power and telephone service. There would be no impacts to these utility easements or rights-of-way on properties not acquired in this alternative. Only one major underground natural gas pipeline crosses the site (on the land to be acquired) in a southwest-northeast heading. Provisions for normal access for periodic monitoring, repairs, and future installations would accompany such a right-of-way. Any proposed developments on the acquired property would be minimally impacted by such existing limitations of the right-of-way. There is potential for impacts to other unknown utility easements or rights-of-way in this alternative.

Vegetation: Current vegetation throughout the site reflects the past and current uses and would not be expected to significantly change in this alternative unless the land uses themselves changed. Some non-indigenous plants have made some headway in portions of the site and in Kiowa County (leafy spurge, sand burr, goatshead, and bindweed), but are not expected to significantly change unless there are land use changes.

In this alternative, vegetation on up to 19.5 sections of land could be beneficially impacted through the removal of grazing use, control of non-indigenous weeds, and possible rehabilitation of native shortgrass prairie by the land manager for the land acquired. Even during the land acquisition stages of this alternative, when privately owned lands exist within the site, it is possible that there would be minimal change in the vegetation on the site. Any acquired lands designated as Conservation Reserve

Program lands at the time of purchase would in effect receive equal or better protection under this alternative.

Buildings, roads, parking areas, and trails associated with the development of the historic site would be constructed in a manner that minimizes the area disturbed. Topsoil from disturbed areas would be set aside and replaced following construction, minimizing the loss of organic material in the soil. These areas would be reseeded with native species to speed the rate of recovery and to minimize the encroachment of invading species.

Wildlife: Large wild mammals (mule and white-tail deer, pronghorn) game exist with smaller cottontail and jack rabbit, badger, prairie dog, and fox. Birdlife is abundant during spring and summer, particularly on the Conservation Reserve Program lands and close to the cottonwoods and water. Hunting for in-season wildlife occurs on portions of the site currently, but hunting would be curtailed on all of the acquired land. Potential improvements to wildlife habitats through plant habitat rehabilitation could occur on the acquired land. There would be moderate improvements and minor beneficial impacts expected to wildlife and wildlife habitat in this alternative, while hunting use would suffer minor impacts.

Threatened and Endangered Species: There are no known occurrences of state or federally listed threatened or endangered species on the site at the time of this study, but such surveys are incomplete within Kiowa County. No surveys have been made for listed species on the study site. The U.S. Fish and Wildlife Service has recently declared that the black-tailed prairie dog is a candidate for listing and it might possibly be listed as threatened within the next few years. Because there are prairie dogs on portions of the site that would be acquired in this alternative, the state and federally listed endangered black-footed ferret may also be a resident on and/or near the site. The land manager would have to abide by species “taking” and consultation requirements of the Endangered Species Act for any listed species occurring onsite. In this alternative, where 19.5 sections of land would eventually be acquired, it is unknown, but not expected that a significant change would occur to species onsite listed as threatened or endangered unless there were land use changes. If there are threatened or endangered species on the land acquired for this alternative, it is likely that the land manager would provide increased protection to the species and their habitat than that provided or offered in either of the other alternatives.

Hazardous Materials: There is no known contamination of soil or water onsite that would meet state or federal requirements currently or in the future that might necessitate clean up, although no specific contamination survey has been performed. In this alternative there should be a screening level site inspection (e.g. Level I Environmental Site Assessment Survey, or equivalent would be required prior to any federal purchase) prior to land acquisition to establish the potential for any hazardous materials, condition, or contamination on the property. Under this alternative, any contamination on the site meeting state or federal clean up requirements would be addressed prior to land acquisition. This alternative would provide benefits to the site and the area if any contamination is encountered during the site inspection(s).

Air Quality: In this alternative there would be an increase in visitor traffic by automobiles and buses from State Highway 50 from the south and from U.S. Highway 287 from the north to the site and possibly to Eads. While only rough estimates have been made of the magnitude of the traffic increase, and there are no estimates of what the actual level of air pollutants produced would be, this alternative would likely produce negligible adverse impacts. Several gravel county roads that access the site would have to be treated regularly to control dust for visitor and resident satisfaction or possibly paved at some time in the future.

Construction of new facilities to support the visitor experience will have a temporary adverse impact on the site. Dust-borne particulate matter and noise pollution will be present during development of the site, and there could be minor and temporary impacts to local air quality due to fugitive dust during construction. Through sensitive design and construction techniques, the dust would be controlled and minimized while any development is occurring in this alternative. There should be no air quality impacts to the Class II airshed and a continued “attainment” status rating to National Ambient Air Quality Standards would be expected for the area.

Night Sky: Signs, access roads, parking areas, trails, wayside exhibits, comfort facilities, and a visitor contact station should only require minimal safety and informational lighting in this alternative. All such lighting could be sensitively designed/installed to project or reflect minimal light to the night sky. There would be minor changes in the use of lighting for nighttime operations, facilities or activities in this alternative. Thus, there should be no significant impacts to the dark night sky.

Table 4: Description Of Management Alternatives

	ALTERNATIVE 1 No Action	ALTERNATIVE 2 Sand Creek Massacre Memorial	ALTERNATIVE 3 Sand Creek Massacre Historic Site
Concept	No action; existing conditions will continue without the establishment of a new memorial or park.	Establishment of a memorial with a visitor contact station, a range of visitor services, and public access to an area overlooking the massacre site. The memorial will include 2 1/3 sections of land (1,500 acres), all of the land currently owned by the Dawson family.	Establishment of a historic site with a full range of visitor services. The historic site will interpret the massacre in the broadest context and allow visitor access to the entire site (with some off-bounds areas). The historic site will include 19.5 sections of land (12,480 acres).
Management	No formal site management. Land will continue in private ownership	The memorial will be managed by the NPS, the State of Colorado, the Tribes, Kiowa County, and/or a private group.	The historic site will be managed by the NPS or the state. The tribally preferred option is tribal land ownership and NPS management.
Visitor Experience	Minimal to non-existent visitor experience, with no new services and no onsite interpretation.	Greatly expanded over Alternative 1 but less than Alternative 3. A new memorial, visitor contact station, and visitor	Expanded over Alternative 2 in that visitors will have access to the massacre site and thereby gain a greater understanding of

	ALTERNATIVE 1 No Action	ALTERNATIVE 2 Sand Creek Massacre Memorial	ALTERNATIVE 3 Sand Creek Massacre Historic Site
		station, and visitor services will offer commemorative, interpretive, and educational opportunities. Visitors will not, however, have access to most of the massacre site itself.	greater understanding of the massacre within its onsite context. Expanded interpretation over Alternative 2 includes interpretive tours and the opportunity to visit the village and sandpits areas, as well as the experience of solitude and contemplation.
Resource Protection	No formal protection of natural and cultural resources, other than current landowner practices.	Minimal protection for a small portion of the massacre. The primary purpose of the memorial will be to commemorate that historic event. By contrast, a primary purpose of a National Historic Site – as presented in Alternative 3 – is to also provide resource protection.	Greatest amount of protection for the entire Sand Creek Massacre site, its critical viewsheds, and natural and cultural resources.
Land Acquisition Costs	No land will be acquired under this alternative.	Approximately 1,500 acres of land will be acquired under this alternative. The land acquisition costs for Alternative 2 will be proportionally less than those for Alternative 3, which encompasses 19.5 sections of land.	Alternative 3 encompasses 19.5 sections of land (12,480 acres). Land acquisition is estimated to cost \$2 million, including land costs, appraisals, title, closing, escrow services, contaminant surveys and other costs associated with acquisition.
Development Costs	No new development costs.	Estimated costs for a new memorial, visitor contact station, curatorial storage, access road, parking, and administrative/maintenance facilities are \$9,000,000.	Estimated costs for a new memorial, visitor contact station, curatorial storage, access road, parking, and administrative/maintenance facilities are \$11,600,000.
Operations And Staffing Costs	None	Approximately 14 full-time employees will work at the site, and their annual salaries and benefits will be approximately \$710,000. Annual operational costs will be approximately \$300,000.	Approximately 19 full-time employees will work at the site, and their annual salaries and benefits will be approximately \$960,000. Annual operational costs will be approximately \$300,000.

Table 5: Impacts of Management Alternatives

	ALTERNATIVE 1 No Action	ALTERNATIVE 2 Sand Creek Massacre Memorial	ALTERNATIVE 3 Sand Creek Massacre Historic Site
Land Use Impacts	No changes in current land ownership; therefore no foreseeable change in the agricultural land use of the site.	Long-term major changes to land use within the memorial, as this area will no longer be used for agricultural purposes. However, land use of the majority of the massacre site will be unchanged.	Long-term major changes to land use. Acquired land will be managed consistent with a historic site. Land not acquired will be protected through landowner agreements and/or zoning.
Visitor Experience Impacts	No impact on visitor experience, as there will be no change in existing conditions. No public access to site. Trespassing will probably continue as some people will go onsite to see the marker and the site.	Long-term, major, beneficial impacts on visitor experience. A new memorial, visitor contact station, visitor services, and access to an area overlooking the massacre site will increase understanding of the event. However, the lack of more access will disappoint some visitors.	Long-term, major, beneficial impacts on visitor experience. Most complete interpretation of the massacre and its larger context, and visitors will have a memorable physical connection to the site. The presence of visitors will present a visual impact.
Socioeconomic Environment	No new impacts on socioeconomic environment. Landowners will continue to be subjected to requests for visitor access, which causes problems in terms of trespassing, trashing, vandalism, and privacy issues. No new economic development.	Moderate to major beneficial impacts. Short-term site development will generate about \$11,329,800 in combined sales, \$679,900 in taxes, and 280 new jobs. Annual visitation is estimated at 30,000 people, which will generate combined sales of \$1,741,800, taxes of \$104,600, and 44 new jobs. Kiowa County will be compensated through PILT for lands removed from county tax rolls.*	Moderate to major beneficial impacts. Short-term site development will generate about \$13,920,000 in combined sales, \$828,200 in taxes, and 350 new jobs. Annual visitation of 30,000 people, which will generate sales of \$2,206,400, taxes of \$131,400, and 55 new jobs. Kiowa County will be compensated through PILT for lands removed from county tax rolls.*
Impacts To Cultural Resources	Long-term adverse impact, as the Sand Creek Massacre site will be subject to development, artifact collecting, and uses determined by landowners. Because the site has been identified, there is an increased risk for illegal artifact collecting and trespassing.	Long-term beneficial impact for a portion of the massacre site. However, the majority of the massacre site will be subject to development, artifact collecting, and uses determined by landowners. Increased risk same as Alternative 1. New facilities will impact historic scene, but should be minimized through the use of sensitive design and materials.	Long-term beneficial impact for the entire massacre site. Federal and/or state laws prohibit private artifact collecting on acquired lands. Although new facilities will have the greatest impact upon the historic scene, their impact will be minimized through the use of sensitive design and materials.
Impacts To Ethnographic Resources	Long-term adverse impact as trespassing and artifact collecting are constant threats. Because the site has been identified, there may be an increased risk to the ethnographic resources as there may be an increase in	Minor beneficial impact for a portion of the massacre site. Since much of the massacre site will be outside the boundary of the memorial, trespassing and artifact collecting are constant threats. Increased	Long-term major beneficial impact, as the entire massacre site will be within historic site boundary. Federal and/or state laws prohibit artifact collecting on acquired lands. Also within boundary is a natural spring

	ALTERNATIVE 1 No Action	ALTERNATIVE 2 Sand Creek Massacre Memorial	ALTERNATIVE 3 Sand Creek Massacre Historic Site
	artifact collecting and trespassing. Indian people will have to ask permission from private landowners to access site.	risk same as Alternative 1. Although part of the massacre will be within the memorial boundary, Indian people will still have to ask permission to access privately held portions of the site.	that the Cheyenne believe may be associated with the massacre site. Development and visitation will impact the site's spiritual significance, but is necessary for people to understand the meaning of the massacre, and Indians who must have access for ceremonial and traditional purposes.
Impacts To Natural Resources	Negligible impacts to natural resources, as existing conditions will continue.	Impacts will increase over Alternative 1, but not significantly. In the case of impacts to wetlands, soils, vegetation, and hazardous materials on lands acquired for the development of the memorial, impacts generally will be minor and beneficial. Most of the massacre site will remain under current controls. Memorial construction will have a temporary adverse impact, but should be minimized through construction practices that limit disturbance by equipment and personnel.	Impacts will increase over Alternatives 1 and 2, but will be of minor negative significance and mostly minor benefits. As in Alternative 2, impacts to wetlands, soils, vegetation, and hazardous materials on acquired lands will be minor and beneficial; there will also be minor beneficial impacts to wildlife. The entire massacre site will be within the historic site boundary, allowing input into and minimization of impacts to natural resources. As in Alternative 2, construction will have a temporary adverse impact, but will be minimized through sensitive construction practices.

*Payment in Lieu of Taxes (PILT)

CHAPTER 12

ALTERNATIVES CONSIDERED BUT REJECTED

As part of the Sand Creek Massacre Special Resource Study/Environmental Assessment planning process, two additional management alternatives were considered but rejected. These are:

Reduced Area Sand Creek Massacre Memorial

An initial concept for a Sand Creek Massacre Memorial involved acquiring only one section of land (640 acres). This area is the section of land on which the existing Sand Creek Massacre monument is currently located – Section 25, Township 17 South, Range 46 West. This section is off of County Road W and includes a secondary dirt access road, now fenced off, to the monument area. Under this proposal, a small memorial to the Sand Creek Massacre would have been established on the bluff overlooking the massacre site. This would have been an unstaffed development, with minimal interpretation of the Sand Creek Massacre. Bill and Tootie Dawson, who own this section of land, strongly objected to this concept because it is similar to a previous public access arrangement. This arrangement caused a great number of problems in terms of trespassing, trashing, vandalism, and privacy issues. However, while the landowners were not willing to sell a small parcel of land to accommodate such a development, they indicated that they would be willing to sell all their holdings within the massacre site boundary and relocate. Alternative 2, as presented elsewhere in this report, was developed as a result of these discussions.

Historic Site That Excluded Bowen Family Land

A second alternative that was considered but rejected would have been a historic site that would have protected more land than Alternative 2, but less land than Alternative 3. This alternative would have excluded from the historic site property currently owned by Frances and Charles B. Bowen, Sr., and was an effort to address Bowen Family concerns about their property being included within a historic site. However, during consultation meetings, there were numerous concerns raised regarding the establishment of a historic site that omitted integral portions of the massacre. Historical evidence indicates that the sandpits area – where most of the actual fighting took place – is located on Bowen land. Members of the Bowen family also believe that critical portions of the massacre occurred on their land. (For more information on the location of the elements of the massacre, see *Sand Creek Massacre Project, Volume 1: Site Location Study*). As a result, the alternative to establish a historic site that did not fully protect the critical resources of the Sand Creek Massacre was rejected. This alternative was also rejected because Alternative 2, the Sand Creek Massacre Memorial, offered an alternative that did not include Bowen property.

CHAPTER 13

PUBLIC COMMENT ON THE ALTERNATIVES

The public comment period on the three proposed management alternatives for the Sand Creek Massacre site opened on May 8, 2000, and extended through June 8, 2000. Information on the management alternatives was distributed in numerous ways. These included a press release, informational mailings, an Internet website, and a series of public open house meetings. The public commented on the alternatives through letters, through telephone calls, through pre-printed postage-paid comment forms distributed by the National Park Service, through Internet e:mail messages, and through a comment form on the project website.

Distribution Of Information On The Management Alternatives

Press Release

A press release announcing the development of the three proposed management alternatives for the Sand Creek Massacre site and the dates for the public open houses was issued on April 20, 2000. The release was sent to news outlets in four states, including newspapers and radio and television stations. Newspapers included *The Lamar Daily News*, *The Denver Post*, *The Rocky Mountain News*, *Indian Country Today*, *The Casper Star-Tribune*, *The Billings Gazette*, *The Colorado Springs Gazette*, and *The Pueblo Chieftan*. The press release resulted in a number of newspaper articles, as well as radio and television stories on the project.

Website

A website on the Sand Creek Massacre Project – www.nps.gov/planning/sand – went online on May 4, 2000. The website included information on the history and significance of the Sand Creek Massacre, a summary of the proposed management alternatives for the massacre site, the full text of both the *Sand Creek Massacre Project, Volume 1: Site Location Study*, and the draft *Sand Creek Massacre Project, Volume 2: Special Resource Study*, and a public comment form that could be filled out online.

Public Comment Form

A printed public comment form was provided at all open house meetings to allow people to comment on the three management alternatives for the Sand Creek Massacre site. Comment forms were also sent to everyone on the project mailing list, and to

anyone else who requested one. Overall, approximately 500 printed copies of the comment form – which were postage-paid with a return address to the National Park Service – were distributed. In addition, an online version of the comment form was available on the Sand Creek Massacre Project website. The comment form asked the following questions:

Which Alternative Do You Believe Is The Best?

??Alternative 1 (No Action)

??Alternative 2 (Sand Creek Massacre Memorial)

??Alternative 3 (Sand Creek Massacre Historic Site)

If you chose this alternative, please indicate which of the following options you prefer.

☞Option 1: Tribal Ownership with NPS Management

☞Option 2: NPS Ownership and Management

☞Option 3: State Ownership and Management

In addition, the comment form asked: “Why do you think this is the Best Alternative?” The form also provided space for “Additional Comments.”

Mailings

A summary of the management alternatives – as well as the comment form – was mailed to everyone on the project mailing list. The mailing list was composed of names and addresses of people who had contacted the National Park Service in the past 18 months and expressed an interest in the Sand Creek Massacre project. This information was also mailed to anyone who requested it from the National Park Service. Information on the management alternatives was also available on the Sand Creek Massacre Project website.

Public Open Houses

As noted earlier in this report, a series of public open houses were held on the Sand Creek Massacre project. The open house meetings were publicized on the Sand Creek Massacre Project website and through public announcements and newspaper articles. Dates and locations of the meetings were as follows:

?? May 1, 2000 – Northern Cheyenne Tribal Headquarters in Lame Deer, Montana.

?? May 5 – Northern Arapaho Tribal Headquarters, meeting held at the Holiday Inn in Riverton, Wyoming.

?? May 8 – Colorado Historical Society in Denver, Colorado.

?? May 11 – County Fairgrounds in Eads, Colorado.

?? May 12 – Cow Palace/Best Western Motel in Lamar, Colorado.

?? May 17 – Senior Nutrition Center in Clinton, Oklahoma (for members of the Cheyenne and Arapaho Tribes of Oklahoma).

?? May 18 – Smoke Shop/Community Center in Watonga, Oklahoma (for members of the Cheyenne and Arapaho Tribes of Oklahoma).

At all of these meetings, information on the Special Resource Study and the three proposed management alternatives, as well as public comment forms, were made available.

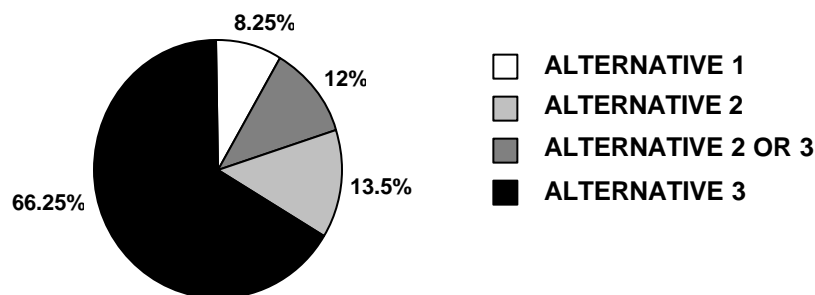
In addition to the public open houses, National Park Service staff, as well as a representative of Senator Ben Nighthorse Campbell's office, traveled to Eads, Colorado, on May 23 to meet with the Kiowa County Commissioners. The purpose of the meeting was to discuss various issues associated with the proposed management alternatives.

Summary of Public Comments on the Management Alternatives

As has been stated earlier in this report, there were three alternatives offered in the Special Resource Study: Alternative 1 (No Action), Alternative 2 (Sand Creek Massacre Memorial), and Alternative 3 (Sand Creek Massacre Historic Site). In addition, under Alternative 3, there were three different options offered for the management of the historic site: Option 1, Tribal ownership with National Park Service management; Option 2, National Park Service ownership and management; and Option 3, State ownership and management. A number of those responding to Alternative 2 also specified one of these three ownership/management options.

During the public comment period, 364 people provided comments on the proposed management alternatives for the Sand Creek Massacre site. Thirty people (8.25 percent) supported Alternative 1 (No Action). Forty-nine people (13.5 percent) supported Alternative 2 (Sand Creek Massacre Memorial). And 241 people (66.25 percent) supported Alternative 3 (Sand Creek Massacre Historic Site).^{*} Another 44 respondents (12 percent) indicated that they supported either Alternative 2 or Alternative 3, but did not express a preference for either of these two alternatives. Overall, 91.75 percent of respondents favored the establishment of either a memorial or a historic site for the Sand Creek Massacre site, with 66.25 percent specifically supporting the establishment of a Sand Creek Massacre Historic Site.

Public Support For Alternatives 1, 2, and 3



^{*} These percentages were rounded out to the nearest quarter percent.

People from 32 states and the District of Columbia submitted a total of 364 comments. Of these, 46 percent were received from residents of Colorado, 13 percent from Oklahoma, 10 percent from Arkansas, 5 percent from Wyoming, and 3 percent from Montana. Two percent of the responses were from California. Florida and Washington state both turned in just over one percent of the total. The remaining 19 percent of the responses were received from Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and the District of Columbia. Based on the return address and/or the contents of the letter, 116 replies (32 percent) were assumed to be from Native Americans.

Most Preferred: Alternative 3 (Sand Creek Massacre Historic Site)

Of the 364 comments received, 241 people supported Alternative 3. Within that alternative, most respondents (177 people) supported Option 1, the establishment of a Sand Creek Massacre National Historic Site operated by the National Park Service on land placed in trust for the Cheyenne and Arapaho Tribes. Thirty-eight people supported Option 2, the establishment of a Sand Creek Massacre National Historic Site with National Park Service ownership and management, and 17 people supported Option 3, the establishment of a Sand Creek Massacre State Historic Site that would be owned and managed by the State of Colorado. Nine respondents had no preference as to ownership and/or management. The breakdown of these responses – as well as those for Alternatives 1 and 2 – are shown in the following tables.

Alternative 3 (Sand Creek Massacre Historic Site)

No Preferred Option	9
Option 1 (Tribal Ownership with NPS Management)	177
Option 2 (NPS Ownership and Management)	38
Option 3 (State Ownership and Management)	17
TOTAL RESPONSES	241

Alternative 2 (Sand Creek Massacre Memorial)

No Preferred Option	23
Option 1 (Tribal Ownership with NPS Management)	11
Option 2 (NPS Ownership and Management)	12
Option 3 (State Ownership and Management)	3
TOTAL RESPONSES	49

**Alternative 2 and/or 3
(Either A Sand Creek Massacre Historic Site Or Memorial)**

No Preferred Option	44
Option 1 (Tribal Ownership with NPS Management)	0
Option 2 (NPS Ownership and Management)	0
Option 3 (State Ownership and Management)	0
TOTAL RESPONSES	44

Alternative 1 (No Action)

No Preferred Option	*
Option 1 (Tribal Ownership with NPS Management)	*
Option 2 (NPS Ownership and Management)	*
Option 3 (State Ownership and Management)	*
TOTAL RESPONSES	30

*not applicable to Alternative 1

Comments On Management Options

Many of those who chose one of the three management options under Alternatives 2 or 3 made additional comments regarding their preferred option. Following, in italics, are some of these comments.

Option 1: Tribal Ownership With National Park Service Management

It's past time to do this historic site and it should be owned by [the] tribes who were involved.

... American Indians deserve ownership since these lands were taken away in such a brutal manner. It is the least we can do to give something in return.

The land is land that is Cheyenne land and needs to go back to the original owners of it.

Tribal ownership is important for a true memorial.

NPS has the resources for management, but Tribal ownership will ensure the historical site is correctly handled and taken care of.

... the massacre and the consequences of the massacre are clear indications that the site should be returned to tribal ownership. . .

The original inhabitants were displaced, tortured and killed. It is only fitting that they be able to own this site in order to honor their ancestors in a good way.

It is only right that the tribes should at least own the property since it is stained with the innocent blood of their people.

Tribal ownership will provide the best stewardship for this Historic Site. Native America is keenly interested in preserving the links to our history and culture. The United States must face its past and recognize it, no matter how tragic.

It would be an appropriate symbolic gesture to have the site in tribal ownership with active tribal involvement in the management of the site, using the resources and experience of the NPS.

This is sacred ground and belongs to the tribe. But because of the historical significance it should be managed under the NPS . . .

Option 2: National Park Service Ownership and Management

. . . the NPS needs to take responsibility for management as it does with other historic sites important to our history.

If the NPS has control, I feel that it will be better managed and will have less to fear in the future from special interest groups who may want to compromise, for profit or whatever other reason that may seem like a good idea at the time, the integrity and haunting memories that are a part of this lands' history.

The NPS has a great deal of experience in preserving and interpreting this type of site. This experience qualifies the NPS to be the best caretakers of the site.

I believe that the NPS has done an excellent job of impartially preserving our historical sites with minimum commercial development and will continue to with this site also.

NPS assistance will assure the area becomes a memorial with a teaching purpose.

Option 3: State Ownership and Management

. . . The Colorado Historical Society does care, and, of course, has the PROFESSIONALS capable of continuing our goal of preservation.

. . . although the feds have more money, this is a unique place and needs local oversight.

I think the site would be better managed [by the state] and the historical site would be a worthwhile project.

State parks seem to be well managed.

The reason for option 3 [is] because we have many problems with the government.

Common Themes Reflected In The Public Comments

Numerous respondents offered **additional comments** that generally fell into the following thematic categories. The themes are arranged in order from those most frequently mentioned to those less frequently mentioned. Each theme is listed in boldface type, and below each theme, in italics, are excerpts from public comments regarding that theme.

Honoring The Victims Of The Sand Creek Massacre

The most frequent set of comments (36 respondents) centered around the need to honor the Indian victims who were massacred at Sand Creek.

[Sand Creek] is a holy place, a link to another time, to the spirits of their ancestors, and honoring that site as a National Historic Site not only shows reverence for the role played in our history by native people and remorse for a great wrong but also it affirms a commitment to see that such tragedies not be played out again.

The Sand Creek massacre [must] be accounted for by the U.S. government as [the] Sand Creek massacre site [must] not only [be] preserved but made an historical site, in honor of Chief Black Kettle, the other great chiefs, and the mostly women and children who died believing the U.S. Constitution protected them.

We must get this land in memory of the massacre of the people by the soldiers. We must remember the people killed.

That mostly women, children and the elderly suffered in this massacre need be the only reason for supporting this option (Option 3). But there is also the significant matter of respecting and honoring the warriors who gave their lives in defense of their tribe, their land and their ancestral spirits.

I feel it is extremely important to consider the needs of the descendants of the Massacre – it is a way to honor and respect those who lost their lives there.

The Sand Creek Massacre Site Is A Site Of Shame

The second most frequent set of comments had to do with the shame or disgrace the event brought to the government and those who carried out the massacre. There were 28 comments along these lines.

The history is one of many sad disgraces of our Nation's past, and the story needs to be told.

These lands were once ours, we hunted, camped and roamed these lands. It is a travesty and dark point in the history of our tribe and the U.S. Government has a duty and obligation to correct this wrong done to our helpless women, children and elders.

The massacre was surely one of the most heinous acts ever perpetrated by U.S. citizens against peaceful Indians.

I am heartened that such a great wrong that was committed is being acknowledged as such.

There is no way the murder of innocent people can be forgiven, this act will always stain the soul of America.

We find it significant that today our federal government through this study seeks ways to commemorate one of the most shameful events undertaken by a branch of our government in U.S. history.

Establishment Of A Sand Creek Massacre Memorial Or Historic Site Will Help Us To Learn About The Event And To Learn From The Past

Several responses (25) had comments expressing the need for people to learn more about the Sand Creek Massacre, and that it is important to learn from such events.

Are we really any different from those who were whipped up into irrationality by the unfortunate collision of cultures on the plains in 1864? I think we are exactly the same, and we would benefit from being reminded of it from time to time. A Sand Creek National Monument might serve to remind us of the often hideously preventable tragedies that result from an excess of self-righteousness.

Because ignorance thrives in darkness, shine a light on past wrongs and there is more hope for the future.

The United States must face its past and recognize it, no matter how tragic.

Early settlers made some mistakes in handling situations, and I believe this site could help anyone who doesn't know to understand that and could help us make peace with those who were hurt by it.

In my opinion, the U.S. population needs to be more educated about their past governing bodies of their nation for textbooks on history do not tell about the wrong the government has done.

Sand Creek ought not to be a kind of American wailing wall, but it does need to be a somber, spiritual place where people can go and face the realities of history in ways that will actually force them to face hard questions and find good answers.

Not to preserve this site would be a disgrace to both the Cheyenne and Arapaho people, as well as the future Americans who will otherwise never know of this historic event.

I think it is important for all Americans to recall unfortunate times in U.S. history to try to prevent further massacres.

My personal opinion for the site [is that] I think it would be great because it would be neat for us kids who are studying it to go look at the [site] and see what we are studying.

This project is for the tribal people and ancestors lost. It should also be a living monument for peace, cultural diversity and an educational forum.

I feel that what happened in 1864 should be remembered for all to see just what happened. This is truly a big part of Colorado history as it is the American history. I feel it is not expressed in our history classes in school.

Tribal Input Into The Management Of The Sand Creek Massacre Site

As noted above, a number of comments (14) stated that the Indians should have a strong voice in the management and interpretation of the site.

The CCIA [Colorado Commission on Indian Affairs] feels it is important to consult with the Northern Arapaho Tribe, the Northern Cheyenne Tribe and the Cheyenne and Arapaho Tribes of Oklahoma regarding site development.

Optimally, the tribes should be partners in the development and implementation of interpretive programs for the locality, and tribal members should also be hired to staff the park/monument.

[There is a] greater opportunity at the site for interpretive history with tribal input.

The tribes need to be involved in all aspects of this endeavor.

Those tribes should have a say in how this site should be presented to the public.

It is very important that the Cheyenne and Arapaho are an integral part of the process of interpretation of the site, even if their views do not coincide with the normative historical interpretation.

I . . . feel we should respect what the Cheyenne and Arapaho want. And that they should be leading the parks on what they feel should be done.

Sand Creek Serves As An Important Reminder of Man's Inhumanity To Man

Fourteen people commented that the site would be an important tool to remind people of the inhumane way people can treat each other and, more specifically, of the way the Indians were dealt with by the federal government.

[Sand Creek] should not be a place of "sackcloth and ashes," nor a monument to guilt, but it must be a place where people can confront the evil that men and women are capable of even in the pursuit of good and noble purposes.

Cruel injustices are a fact of this life, however, they can be softened for future generations of those intimately involved. In this case an entire nation.

These innocent men, women, and children SHOULD NOT have been massacred! We need to preserve this as a national historical site BECAUSE we need to remind the American people and future generations of what should NEVER happen in America and of what NEVER should have happened here.

. . . the perspective as a historical site should be a lesson to the non-Indian people as a reminder of what happened and should never be repeated in any form.

A Sand Creek National Monument might serve to remind us of the often hideously preventable tragedies that result from an excess of self-righteousness.

The American people must be shown that genocide can happen anywhere, even in the United States.

The Sand Creek Massacre is one of many attempts at genocide for the Native Americans thanks to the United States Government.

Genocide is part of our past and future. It must be represented correctly and accurately. American Indians need their dignity.

It is about time the People have their own holocaust site after all they have endured and suffered.

There must be recognition everywhere about the atrocities that have taken place. This is one among many others.

The Sand Creek Massacre Site Is A Sacred Place

Eleven people remarked on the sacred nature of the site and the need to take that into consideration when deciding how the site should be used.

The site is significant spiritually as well as historically. It is important to realize that many American Indians do not sever relationships with relatives that join their ancestors. This ongoing inter-relatedness forms the very foundation of the spiritual experience. It is important to take advantage of every opportunity to preserve the entire site for its religious importance as well as its historic importance.

This site should be approached as any hallowed ground, with respect. . .

This is sacred ground and belongs to the tribe.

The NPS can meet the outside contacts needed to sustain the site and the tribes maintain the integrity and sacredness of the site. Both are necessary to its success.

Having the tribal ownership would be best because they can make sure nothing is built on sacred ground.

Use Minimal Amount Of Land

Of those who wrote in support of Alternative 2, 11 people expressed the desire to see a minimal amount of land used for the establishment of a memorial.

I don't have any objection to having the site recognized, but . . . I see no need to go to the expense of buying 19.5 sections of land when a smaller memorial would be adequate.

I believe that we need some kind of memorial, but not like Alternative 3. It is way too much land taken out of beneficial use.

Using the larger acreage for this historic site is quite out of reason. This happening is not on a scale with (for instance) Civil War battle ground historic sites as Fredericksburg, Bull Run, Gettysburg where large acreage was needed to study and understand the movement of thousands in two armies, positions of regiments from many different states and to honor many thousands who died en masse.

A Larger Area Would Be Preferable

When writing in support of Alternative 3, nine people commented that they preferred this alternative because it was a larger area, and many felt that this was important for telling the story of the massacre.

The smaller area ("the memorial") will not be as representative of the history as having the larger site ("The Historic Site").

. . . by including the larger piece of land, the NPS will be able to give a more accurate depiction of the massacre site.

Alternative 3 is the best alternative because it shows all of the land not just part of the land.

[Alternative 3] provides protection of the entire area and maintains integrity of the site – the events and the story.

I believe this alternative [3] will result in a more accurate historical representation of this tragedy.

The Whole Story Should Be Told

Eight people commented that they would like to see the “whole story” of the Sand Creek Massacre told at the site. For some, this meant more of the story from the Indians’ point of view; for others, it meant more information about the events leading up to Chivington’s attack on the Indian village, including Indian attacks on white settlers.

Emphasis from a historical perspective should be in a balance of all well-sorted and verifiable information sources along with the oral tradition. Neither side was historically “lily white.”

If we must recount happenings of the times, let us do so. But, by all means, tell the whole story, not just the part generated by latter day apologists.

... public funds should only be used if both sides of the story are given equal prominence.

[The Sand Creek Massacre site] will serve to present accurate historical information, much of which is omitted from textbooks.

The idea is to get across the WHOLE story, not just “versions.”

The Sand Creek Massacre Site Could Serve As A Place To Teach Cross-Cultural Understanding

Eight of those writing in thought that the events surrounding the Sand Creek Massacre could help people learn about the broader issue of the need for greater cross-cultural understanding.

Should this place become a National Historic Site, its exhibits and its tours need to be planned carefully to honor the truth and make it a place that brings people together in understanding rather than divides them with ancient bitterness. It is, in short, the perfect place to teach the imperative of cross-cultural understanding in a quiet place of tragedy that can become a place of renewal.

This project is for the tribal people and ancestors lost. It should also be a living monument for peace, cultural diversity and an educational forum.

This memorial can serve to present accurate information and teach people of all races about their own history – good and bad.

The preservation of the Sand Creek Massacre site as a National Historic Site would be a brave and wonderful undertaking by the NPS at a time when our nation needs more than ever to admit wrong doing, heal racial scars and

begin demonstrating to current and future generations the need for trust, understanding and respect for all creeds, races and cultures.

I think that a good theme for this site would be something along the lines of racial understanding and forgiveness of the past atrocities, but only if the tribal elders actually feel this way.

It is the warning this provides us for our future and the future of all humans which is the utilitarian value of a monument. Sand Creek is a stark reminder of the tragedy that frequently results from too much confidence of belief in the mission or righteousness of oneself, community, tribe or nation.

The Cheyenne and Arapaho Should Have Access For Ceremonial Purposes

The need for the Indian tribes involved to have special access to the site for ceremonial purposes was mentioned in comments by seven people.

[Tribal Ownership] gives the greatest access to the whole area for ceremonial and traditional purposes.

[Tribal Ownership] would assure special rights of access for ceremonial and religious purposes.

The tribes deserve access to this ground for burial sites and ceremonies.

Our government has broken almost all of the promises/treaties with the Native Americans. I believe they need full access to the entire site and this will bring healing and reconciliation to the massacre . . .

Preserving The Sand Creek Site Would Be A Waste Of The Taxpayers' Money

Seven people wrote comments reflecting the view that establishing any kind of monument or historic site would be a waste of tax dollars.

I don't see any need to waste taxpayer money on this project.

I think it should just be a road sign that shows you where it (Sand Creek) is. I feel this way because I feel it is a big waste of money.

We do not need this Sand Creek project. We need this land for our tax income. Put the historical sign back on the highway like it was and save all that millions of dollars for a road which desperately needs it.

The Park Service is always in need of money. They can spend it wiser in other areas.

Enough is enough. There was plenty of injustice to go around. But asking the taxpayers to pay for an expensive memorial because it is presently popular is not where we need to spend our money.

The Sand Creek Site Should Not Be A Place To Have Fun

Seven people commented that recreation or fun should not be part of the Sand Creek Massacre site.

No one should enjoy a vacation where the Indians were slaughtered.

. . . it is not a place to have fun and play . . .

... this is a place where people died and should not be a place to go and have fun.

This should be a place of solemn remembrance, not a place for "access and enjoyment."

If there was Alternative 3, people would probably have fun instead of thinking about what happened there.

The site should not be for going out there for fun or picnics, it should be for educational purposes only.

Landowners' Rights Come First

Six of those writing comments noted that the rights of private landowners at or near the site needed to be protected and taken into consideration during any efforts to establish a memorial or historic site.

If none of the landowners wish to sell or be part of the Monument then I say their rights come first.

The needs of the surrounding ranchers must be kept in mind . . .

[Alternative 2] is the best alternative because then we don't have any arguments between landowners and the sale of their property.

Recognition For The Site Will Bring Healing

Six respondents wrote to express their feeling that recognizing the Sand Creek Massacre site in a formal way would help heal wounds left from the massacre, either between Indians and non-Indians, or within the tribes.

The memorial will . . . serve as a stepping stone in the healing process. It has not been that many years since people, real people, were shot and slain out of hatred and ignorance. Unfortunately, the passage of time has not eliminated these from the hearts of all people.

The tribes may, as a whole, begin to heal from the pain and heartache now after so many generations carrying it with them.

The people of Colorado need it (Sand Creek) too, not as a place of shame, but as a moment in their past with which they need to make peace.

Recognition For The Site Is Past Due

Six people commented that they think establishing a monument or historic site at Sand Creek is past due.

It's about time!

It's past time to do this historic site and it should be owned by the tribes who were involved.

After 135 years this is one "treaty with Native Americans" that should at long last be honored.

It's about time the U.S. Government started remembering the victims at Sand Creek.

I feel that this memorial has been long overdue.

Concerns About Trespassing

Of those writing comments, five expressed their concerns about visitors to the Sand Creek Massacre site trespassing on nearby private land.

. . . no trespassing on private land.

We would like to see a secure fence and rangers controlling trespass [sic].

Have the land fenced good so that people can't go on private land.

Mistrust Of The Federal Government

Five of those commenting expressed a distrust of having the federal government as a neighbor should the Sand Creek Massacre site become a unit of the National Park Service.

I think the United States Government needs to leave the private lands alone. They have entirely too much control over our national Forests, parks, etc. It is getting so bad anymore, that one can't do much of anything without a permit, and then, the Federal and State Governments put more and more restrictions on everything, that even permits will be worthless. These lands belong to the people and it is about time we say "NO MORE!" Washington, D.C. GET OUT of Colorado and STAY OUT!

You must understand that the words "Federal Government" are not some of the most endearing and confidence inspiring in Kiowa County.

I trust tribal ownership more than I trust government ownership . . . The government is always subject to outside influences, and who knows what powerful lobby may have their eyes on the land tomorrow or the day after?

*It is a trait of governing to always have to do something about something. Government by its very nature can not leave things alone. If you were to truly and seriously look at all the work and expense and controversy created surrounding Sand Creek, you will see that your actions are very "governmental" in nature. You **are** government. So when you are all finished "governing" this thing, try just leaving it alone.*

Concerns About The State Government

Three of those commenting offered concerns about having the state government manage the Sand Creek Massacre site.

Although the site is in Colorado, I do not think the state should be involved in ownership or management – the Indian people should have both, but management by the Indians is not an option, so NPS is certainly better than the state.

I believe the site has national significance and shouldn't be subject to the vagaries of state control.

I am opposed to Option 3, state ownership, because I feel that this is a site of national importance, and it should therefore be recognized as such.

The Sand Creek Massacre Site Should Be One Of Solitude And Contemplation

Three people commented on the need for the site to be one where contemplation and reflection are a primary consideration.

I am in favor of the ability for visitors to wander the entire site in thoughtfulness and solitude.

I believe that the site is one of the most pristine in Colorado and conveys a sense of profound isolation that underlies the tragic event.

The sacred aspect of the site is best honored. Visitors have the greatest opportunity to interact with the land, and engage in contemplation.

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APPENDICES

APPENDIX 1

Sand Creek Massacre National Historic Site Study Act of 1998

Public Law 105-243

105th Congress

An Act

To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.

Oct. 6, 1998
(S.1695)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sand Creek Massacre
National Historic Site
Study Act of 1998

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sand Creek Massacre National Historic Site Study Act of 1998”.

SECTION 2. FINDINGS.

(a) FINDINGS. -- Congress finds that---

(1) on November 29, 1864, Colonel John M. Chivington led a group of 700 armed soldiers to a peaceful Cheyenne village of more than 100 lodges on the Big Sandy, also known as Sand Creek, located within the Territory of Colorado, and in a running fight that ranged several miles upstream along the Big Sandy, slaughtered several hundred Indians in Chief Black Kettle’s Village, the majority of whom were women and children;

John M. Chivington.
Black Kettle.

(2) the incident was quickly recognized as a national disgrace and investigated and condemned by 2 congressional committees and a military commission;

(3) although the United States admitted guilt and reparations were provided for in article VI of the Treaty of Little Arkansas of October 14, 1865 (14 Stat. 703) between the United States and the Cheyenne and Arapaho Tribes of Indians, those treaty obligations remain unfulfilled;

Cheyenne Tribe.
Arapaho Tribe.

(4) land at or near the site of the Sand Creek Massacre may be available for purchase from a willing seller; and

(5) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek and to their tribes, and those descendants and tribes deserve the right of open access to visit the site and rights of cultural and historical observance at the site.

SECTION 3. DEFINITIONS.

In this Act:

- (1) SECRETARY. – The term “Secretary” means the Secretary of the Interior acting through the Director of the National Park Service.
- (2) SITE – The term “site” means the Sand Creek Massacre site described in section 2.
- (3) TRIBES – The term “Tribes” means –
 - (A) the Cheyenne and Arapahoe Tribe of Oklahoma;
 - (B) the Northern Cheyenne Tribe; and
 - (C) the Northern Arapahoe Tribe.

SECTION 4. STUDY.

- (a) IN GENERAL – Not later than 18 months after the date on which funds are made available for the purpose, the Secretary, in consultation with the Tribes and the State of Colorado, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the site.
- (b) CONTENTS – The study under subsection (a) shall –
 - (1) identify the location and extent of the massacre area and the suitability and feasibility of designating the site as a unit of the National Park System; and
 - (2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the area.

SECTION 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Speaker of the House of Representatives

Vice President of the United States

President of the United States

Approved October 6, 1998.

APPENDIX 2

Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING
AMONG
NATIONAL PARK SERVICE, CHEYENNE AND ARAPAHO TRIBES OF
OKLAHOMA, NORTHERN CHEYENNE TRIBE AND NORTHERN ARAPAHO TRIBE
FOR
GOVERNMENT-TO-GOVERNMENT RELATIONS IN THE IMPLEMENTATION
OF P.L. 105-243**

MEMORANDUM OF UNDERSTANDING ("MOU") dated February __, 1999, among the National Park Service ("NPS"), the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe and the Northern Arapaho Tribe (individually a "Tribe" and collectively the "Tribes" or the "Cheyenne and Arapaho"). Attached hereto as Appendix A is a list of defined terms which are used in this MOU.

Background

A. The Sand Creek Massacre is an event of profound significance to the Cheyenne and Arapaho Indian descendants of the victims of the Massacre and their Tribes. Although the United States promptly admitted guilt for the Massacre, and provided for reparations in Article VI of the Treaty of Little Arkansas of October 14, 1865 with the Cheyenne and Arapaho Tribes, those treaty obligations have never been fulfilled.

B. In order to locate the site of the Sand Creek Massacre and determine alternatives for its management, recently Congress enacted and the President signed *The Sand Creek Massacre National Historic Site Study Act of 1998*, P.L. 105-243, 112 Stat. 1579 (Oct. 6, 1998) (the "Act"). The Act directs the Secretary of the Interior (acting through the Director of the National Park Service) -- in consultation with the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, the Northern Arapaho Tribe and the State of Colorado -- to prepare and submit to Congress a resource study which addresses:

- the location and extent of the site of the Sand Creek Massacre ("Massacre Site") and its suitability for designation as a unit of the National Park System;
- cost estimates for acquisition, development, operation and maintenance of the Massacre Site; and
- alternatives for the management, administration and protection of the Massacre Site.

Hereinafter, the above statutory tasks and all related work and activities are referred as the "Project."

C. It is contemplated that the Project will consist of the following two phases:

Phase I

- Confirmation of the location and extent of the Massacre Site.
- Preparation of a report on the work done and conclusions drawn as to the location, national significance and integrity of the Massacre Site.
- If the Massacre Site is found to have historic integrity, preparation of a draft National Historic Landmark Nomination for the Site.

Phase II

- Preparation of a Special Resource Study/Environmental Assessment addressing at least the following matters:
 - - purpose, significance and suitability;
 - - feasibility;
 - - alternatives for management and protection;
 - - analysis and description of impacts; and
 - - cost estimates for each alternative.

D. This MOU sets forth principles and protocols for execution of the Project in a manner which will:

- comply with the Act's explicit directive that NPS conduct the Project in consultation with the Tribes;
- fulfill the requirements of Executive Order No. 13084 which, among other features, states that "the United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights," and which requires each agency to have "an effective process to permit elected officials and other representatives of Indian Tribal Governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities;" and
- carry out NPS' own policies providing for government-to-government relations with affected tribes, including the development of mutually acceptable protocols to guide such government-to-government relationships.

Principles and Protocols

Accordingly, NPS and the Tribes agree to the following principles and protocols for carrying out the Project:

I. Principles and Protocols Applicable to Both Phase I and Phase II

1. The Cheyenne and Arapaho have a unique and major interest in the Project. Congress recognized this in the Act and directed that the report to Congress be submitted in consultation with the Tribes. In accordance with this, the Cheyenne and Arapaho will be a full partner in the Project. However, the Project is intended to also be of benefit to all American people.
2. NPS, in compliance with all applicable law, will work to help achieve the goals of the Cheyenne and Arapaho with respect to the management and use of the Massacre Site.

3. In so doing, NPS will at all times consult closely with the Tribes in an effort to effectuate the Project on terms satisfactory to the Cheyenne and Arapaho.
4. NPS will make every effort to treat and protect the Massacre Site in accordance with Cheyenne and Arapaho values and applicable law. To achieve this, NPS will interpret applicable federal laws, regulations and policies as flexibly as possible.
5. The location, timing and agenda for all NPS/Cheyenne and Arapaho meetings will be developed in accordance with the desires of the official representatives of the Cheyenne and Arapaho Tribal Governments.
6. All written work product produced by or through NPS will initially be prepared in draft form for submission to each Tribal Government and the Colorado State Historical Society ("Historical Society"), which represents the State of Colorado in consultations on this Project.
7. Each Tribal Government will have the sole right to determine who represents that Government at any Project meeting or other Project event.
8. Subject to fiscal constraints, for each Tribal Government, NPS will pay travel and lodging costs, a per diem, and a \$100 per day consulting fee, for at least two Indian persons representing the Tribal Government at any Project meeting or other Project event, provided that in the case of the Cheyenne and Arapaho Tribes of Oklahoma, this means at least two representatives for the Southern Cheyenne and two representatives of the Southern Arapaho. If Project funding for this purpose runs out, NPS will endeavor to allocate or seek additional funding to cover such costs.

II. Project Team

9. Each Tribal Government will have one seat on the NPS Project Team and may bring to Team meetings such staff as the Tribal Government considers appropriate.

III. Additional Protocols Applicable to Phase I

10. **Archival and Other Historical Research.** Each Tribal Government and the Historical Society will be provided with copies of all written records and information gathered in the research, and all written descriptions and analyses of such materials.
11. **Indian Oral Histories.** Methods and protocols will be developed jointly by NPS and the involved Tribal Government. These will include (without limitation) confidentiality restrictions to protect sacred or culturally sensitive matters. Subject to such confidentiality conditions, each Tribal Government and the Historical Society will be provided with copies of all resulting recordings and written materials, descriptions and analyses.
12. **Local Resident Interviews.** Each Tribal Government and the Historical Society will be provided with copies of all resulting recordings and written materials, descriptions and analyses.
13. **Traditional Tribal Methods.** Each Tribal Government will determine its own traditional methods, which will include (without limitation) confidentiality restrictions to protect sacred or culturally sensitive matters. Subject to such confidentiality conditions, copies of all resulting written materials, descriptions and analyses shall be provided to each Tribal Government, the NPS and the Historical Society. Each Tribal Government will produce its own report on traditional Tribal methods, a copy of which will be provided to each of the other Tribal Governments, NPS and the Historical Society.
14. **Archeological Research (including geomorphology, aerial photography, archeological field work, collection of artifacts, and collection of human remains and related matters).**
 - a. Each Tribal Government may send two representatives to field work, provided that in the case of the Cheyenne and Arapaho Tribes of Oklahoma, this means two representatives for the Southern Cheyenne and two representatives for the Southern

Arapaho. The Historical Society will not be permitted on the Dawson site until the Historical Society has fulfilled its contractual obligations made to the landowner under the Ellis grant.

b. Each Tribal Government and the Historical Society will be privy to all findings in the field and will be provided with copies of all information gathered in the research, and all resulting written descriptions and analyses.

c. Any discovered Indian artifacts will be handled and protected in accordance with methods and protocols to be developed jointly by NPS and the Cheyenne and Arapaho in compliance with applicable federal and Colorado State law.

d. Any discovered burial site, human remains, funerary objects, sacred objects and objects of cultural patrimony will be handled and protected in accordance with methods and protocols to be developed jointly by NPS and the Cheyenne and Arapaho in compliance with applicable federal and Colorado State law.

15. Confirmation of Massacre Site.

a. Best efforts will be made by NPS to obtain the concurrence and signature of each Tribal Government on the location of the Massacre Site.

b. Any non-concurring Tribal Government will have the right to append a statement explaining and supporting its non-concurrence.

16. Report on National Significance and Integrity (“Report”); Draft National Historic Landmark Nomination (“Draft Nomination”).

a. The Report and any Draft Nomination will be prepared in close consultation with the Cheyenne and Arapaho and the Historical Society.

b. Drafts of the Report and any Draft Nomination, and any proposed revisions thereof, will be provided to each Tribal Government and the Historical Society for review and comment.

c. Best efforts will be made by NPS to obtain the concurrence and signature of each Tribal Government on the Report and any Draft Nomination. Any final Nomination will include a letter of support from each Tribal Government if the Tribal Government concurs.

d. Any non-concurring Tribal Government will have the right to append a statement explaining and supporting its non-concurrence.

e. NPS will keep each Tribal Government and the Historical Society fully and timely advised about the status of the Report and any Draft Nomination, and all comments on, proposed revisions of and proposed dispositions of the Report and Draft Nomination.

IV. Additional Protocols Applicable to Phase II

17. Special Resource Study/Environmental Assessment (“SRS/EA”).

a. The SRS/EA will be prepared in close consultation with the Cheyenne and Arapaho and the Historical Society.

b. Drafts of the SRS/EA, and any proposed revision thereof, will be provided to each Tribal Government and the Historical Society for review and comment.

c. Best efforts will be made by NPS to obtain the concurrence and signature of each Tribal Government on the SRS/EA, including especially (but without limitation) all recommendations and alternatives for the management, administration, use and protection of the Massacre Site as part of the National Park System or otherwise.

d. Any non-concurring Tribal Government will have the right to append a statement explaining and supporting its non-concurrence.

e. NPS will keep each Tribal Government and the Historical Society fully and timely advised of all congressional, executive branch, and public responses to the

recommendations and alternatives set forth in the SRS/EA, and any other proposals with respect to the management, administration, use and protection of the Massacre Site.

V. Additional Provisions

18. **Term.** This MOU shall remain in effect through completion of the Project.
19. **Revision.** This MOU may be revised or modified only by mutual written agreement among NPS and the Tribes.
20. **Preservation of Rights.** Nothing in this MOU shall abrogate, impair or diminish any statutory, regulatory, treaty or other legal right or authority of NPS, any Tribe, or any Tribal member, or the federal trust responsibility to the Tribes.

[SIGNATURES]

NATIONAL PARK SERVICE

Rick Frost, Project Manager

CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA

Edward Starr, Chairman

Robert Tabor, Vice Chairman, Southern Arapaho

Laird Cometsevah, Chairman, Traditional Southern Cheyenne Descendants

NORTHERN CHEYENNE

Norma Gourneau, Vice President and Acting President

Steve Brady, Chairman, Northern Cheyenne Band of Sand Creek Descendants

NORTHERN ARAPAHO TRIBE

Al Addison, Chairman

Gail Ridgely, Northern Arapaho Sand Creek Descendant

APPENDIX A

LIST OF DEFINED TERMS

As used in the MOU, the following terms shall have the following meanings:

1. "Act" means *The Sand Creek Massacre National Historic Site Study Act of 1998*, P.L. 105-243, 112 Stat. 1579 (Oct. 6, 1998).
2. "Cheyenne and Arapaho" means the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe and the Northern Arapaho Tribe, collectively.
3. "Draft Nomination" means any draft National Historic Landmark Nomination for the Massacre Site which may be prepared pursuant to the Act.
4. "Historical Society" means the Colorado State Historical Society, which is representing the State of Colorado in consultations under the Act.
5. "Massacre Site" means the site of the Sand Creek Massacre to be located as directed by the Act.
6. "MOU" means this Memorandum of Understanding.
7. "NPS" means the National Park Service.
8. "Project" means all tasks to be performed under the Act and all related work and activities.
9. "Report" means the report on the national significance and integrity of the Massacre Site to be prepared pursuant to the Act.
10. "SRS/EA" means the Special Resource Study/Environmental Assessment to be prepared pursuant to the Act.

11. "Tribe" means and "Tribal" refers to each of the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe and the Northern Arapaho Tribe.

APPENDIX 3

Cooperative Agreements

As part of the Sand Creek Massacre Site Location Study, Cooperative Agreements were offered to the four tribes so that they could collect and document their respective oral histories relating to the massacre. The Northern Cheyenne, Northern Arapaho, and Southern Arapaho Tribes accepted the Cooperative Agreements, and received funding of \$10,500 each. The Southern Cheyenne declined the Cooperative Agreement. The following is the basic cooperative agreement that was signed by the National Park Service, the Northern Cheyenne, the Northern Arapaho, and the Southern Arapaho. It should be noted that each of these three tribes had a separate agreement with the National Park Service, and that the language in each varied somewhat in terms of dates and payment schedule.

COOPERATIVE AGREEMENT

between the

NATIONAL PARK SERVICE

And

[Each tribe had a separate cooperative agreement with the National Park Service.]

Title: The Sand Creek Massacre Site Project

In consideration of the mutual benefits which will accrue to the parties, this Cooperative Agreement is entered into by and between the NATIONAL PARK SERVICE (hereinafter referred to as “the Service”) and the [Name of Tribe] (hereinafter referred to as “The Cooperator”) for a cooperative effort to locate the Sand Creek Massacre site.

The effective date of this agreement is specified in Article II.

This agreement entails:

1. Carrying out a public purpose of support or stimulation, as specified below in Article III;
2. Substantial involvement of the Service in the management and execution of the project(s). The substantial involvement is specified below in Article IV; and
3. An assistance relationship in which financial and/or other assistance will be provided by The Service. The nature of the assistance relationship is specified below in Article VI.

Nothing in this agreement shall modify, diminish or impair any principle or protocol, or right or privilege of the cooperator, set forth in the Memorandum of Understanding among the NPS, Cheyenne and Arapaho Tribe of Oklahoma, Northern Cheyenne Tribe and Northern Arapaho Tribe for government-to-government relations in the implementation of P.L. 105-243.

Article I - LEGISLATIVE AUTHORITY

This agreement is made under the following authorities: General Authorities: Public Law 104-208 (General Appropriation Bill) .

Article II - TERM OF THE AGREEMENT

This agreement shall be in effect from the date of the last approving signature and shall continue in full force and effect for a period of one year.

Modifications to this agreement may be proposed by either party, shall be executed in writing, agreed to, and signed by both parties, including the NPS Contracting Officer, and shall be based upon allocation of funds by Congress.

This Agreement may be suspended or cancelled at an earlier date in accordance with 43 CFR Part 12 - Administrative and Audit Requirements and Cost Principles for Assistance Programs, paragraph .44, Termination for Convenience, or by mutual agreement between both parties (each party giving 30 days advance notice to the other party).

Article III- STATEMENT OF OBJECTIVES

1. **Overall public purpose of support or stimulation:** The purpose of this cooperative agreement is to bring the expertise of the [Tribe] to bear on Congressionally mandated efforts to find the site of the Sand Creek Massacre.
2. **Specific objectives of this Agreement:** This agreement will help the NPS and the [Tribe] work together to develop oral histories of the Sand Creek Massacre; facilitate the use of traditional tribal methods of site location in order to help find the massacre site; allow the [Tribe] to travel to site(s) under consideration to participate in archeological activities; and to travel to consultation meetings with the Service and the State of Colorado regarding the Sand Creek Project. During the course of this agreement:
 - a. The Service will:
 1. Provide funding and assistance as provided in Article VI.
 2. Be substantially involved in management and execution of the project as described in Article IV below.
 - b. The Cooperator will, to the extent of available resources:
 1. Work with the NPS to collect oral histories from [Name of Tribe] tribal members on the Sand Creek Massacre and share taped and written versions with the Service, other consulting tribes and the State of Colorado.
 2. Assist the NPS in preparation of a progress report including written oral histories collected as part of this cooperative agreement, to be submitted 90 days after the cooperative agreement is signed.
 3. Employ traditional tribal methods to help locate the site and provide the Service, other consulting tribes and the State of Colorado with a written progress report on these efforts. A written progress report on traditional tribal methods of site location will be submitted no later than June 30, 1999.
 4. Travel to, attend and consult with the Service during the course of the Sand Creek Archeological Investigations.
 5. Travel to and attend a Sand Creek Project site location consultation meeting with the Service, the State of Colorado, and the other consulting tribes at a time and place yet to be determined.

Article IV - SUBSTANTIAL INVOLVEMENT

The Service will be substantially involved in management and execution of the project, as follows:

1. The Service will actively collaborate with the Cooperator in project planning, design, management, and implementation. Project decisions involving the expenditure of the funds will be jointly made.

APPENDICES

2. The Service will review and approve each stage of work before a subsequent stage can begin. (Barbara Sutteer, Office of American Indian Trust Responsibilities) will be actively involved with the Cooperator in making crucial decisions regarding: progress of the oral histories; progress of traditional tribal methods of site location; and time and place of the site location consultation meeting.
3. The Service shall designate an employee(s) who shall act as technical liaison with the Cooperator. The Service's liaison will represent the interests of the Service and will provide assistance to the Cooperator that is within the scope of this agreement.

Article V - KEY OFFICIALS

NATIONAL PARK SERVICE

Agreements Officer:

Tom Forsyth IMDE-AS
National Park Service
P.O. Box 25287
Denver, CO 80225-0287

Technical (COTR)

Barbara Sutteer
Rick Frost

Any communication regarding this agreement should be addressed to the Contracting Officer with a copy to the COTR.

Article VI - FEDERAL ASSISTANCE

Types of assistance authorized:

The Service hereby approves financial assistance in the amount of \$10,500 in accordance with the Cooperator's SF-424, "Application for Federal Assistance." **See attachment for a breakdown of fund allocations.**

Approval of financial assistance and payment of reimbursement will be subject to the auditing and accounting policies and procedures outlined in applicable Office of Management and Budget Circulars.

NOTE: In accordance with Federal regulations, any agreement or supplement which obligates Federal funds must be signed by a warranted Federal Contracting/Assistance Officer.

Procedure for reimbursement:

Upon acceptance of the terms and conditions of this agreement, the recipient may submit requests for payment, either an invoice or a Standard Form 270, "Request for Advance of Reimbursement". In accordance with OMB Circular A-110, paragraph .22 (b), recipients may be authorized advance payments under this agreement. Cash advances to a recipient organization shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. Normally the frequency for processing invoices will be on a monthly basis. The timing and amount of the cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs. As of January 1, 1999, all payments under cooperative agreements are to be accomplished through wire transfer.

The Cooperator has requested that payments under this agreement take the form of reimbursement for expenditures. Once expenditures have been made, the Cooperator will submit a written invoice for payment from the Service.

Original Invoices shall be submitted to the Contracting Officer with a copy to the Contracting Officer's Technical Representative (COTR). When invoicing, please cite the cooperative agreement number.

Name and address and telephone number of the Federal Official responsible for answering questions concerning payments (COTR):

Barbara Sutteer
Office of American Indian Trust Responsibilities
National Park Service
P.O. Box 25287
Lakewood, Colorado 80225-0287
Phone: (303) 969-2511

Article VII- RECORDS AND REPORTS

Refer to Article III, paragraph 3b.

ARTICLE VIII- FUNDS CONTINGENT ON APPROPRIATIONS

Nothing herein contained shall be construed as binding the Service or the Cooperator to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the United States or the Cooperator in any contract or other obligation for the future expenditure of money in excess of such appropriations.

ARTICLE IX - SPECIAL PROVISIONS

1. The rights and benefits conferred by this Agreement shall be subject to the laws of the United States governing the Service and to the rules and regulations promulgated thereunder, whether now in force or hereafter enacted or provided; and the mention of specific restrictions, conditions, and stipulations herein shall not be construed as in any way impairing the general powers of supervision, regulation and control by the Service.
2. No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend this Agreement if made with a corporation for its general benefit.
3. During the performance of this Agreement, the Cooperator agrees to abide by the terms of Executive Order 11246 on non-discrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The Cooperator will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, or national origin.
4. In all contracts entered into by the Cooperator relating to this agreement (if any), which are either directly or indirectly Federally assisted, there shall be incorporated therein the Equal Opportunity clause provided for in 41 CFR 1-12.803.
5. In all cases where rights or privileges are granted herein in general or indefinite terms, the extent of the use of such rights or privileges by the Cooperator shall be determined by further written agreement.
6. The Cooperator shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgement and expenses on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the Cooperator, its employees, subcontractors or agents under this Agreement.

ARTICLE X - RELATED DOCUMENTS

The following are attached hereto and made a part of this Agreement:

1. GENERAL PROVISIONS (as applicable):

The following OMB Circulars and portions of the CFR are incorporated by reference in this agreement for administration of cooperative agreements:

OMB Circular A- 102 - Cooperative Agreements with State and Local Governments, and Federally Recognized Indian Tribal Governments

OMB Circular A- 110 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations

43 CFR Part 12 - Administrative and Audit Requirements and Cost Principles for Assistance Programs (Department of the Interior), also known as "the common rule"

The following Cost Principles are used in determining the allowability of costs under this cooperative agreement:

OMB Circular A-87 - Cost principles for State, Local or Indian Tribal Government

OMB Circular A- 122 - Cost principles for Nonprofit Organizations

OMB Circular A-21 - Cost principles for Educational Institutions

48 CFR Part 31 - For Profit Organizations

43 CFR Part 12 - Administrative and Audit Requirements and Cost Principles for Assistance Programs

The following OMB circulars and portions of the CFR are used to determine audit requirements:

OMB A-133 - Audits of Institutions of Higher Education and Other Nonprofit Institutions

OMB A-128 - Audits of State and Local Governments

43 CFR Part 12 - Administrative and Audit Requirements and Cost Principles for Assistance Programs

2. Required and Special Provisions

a. Required Provisions

1. NON-DISCRIMINATION: All activities pursuant this agreement and the provisions of Executive Order 11246; shall be in compliance with requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252 42 U.S.C. § 2000d et seq.); Title V, Section 504 of the Rehabilitation Act of 1973 (87 Stat. 394; 29 U.S.C. § 794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 U.S.C. §§6101 et seq.); and with all other Federal laws and regulations prohibiting discrimination on grounds of race, color, national origin, handicap, religious or sex in providing of facilities and service to the public.
2. CONSISTENCY WITH PUBLIC LAWS: Nothing herein contained shall be deemed to be inconsistent with or contrary to the purpose of or intent of any Act of Congress establishing, affecting, or relating to the Agreement.
3. APPROPRIATIONS (Anti-Deficiency Act, 31 U.S.C. 1341): Nothing herein contained in this Agreement shall be construed as binding the Service to expend in any one fiscal year any sum in excess of appropriations made by Congress, for the purposes of this Agreement for that fiscal year, or other obligation for the further expenditure of money in excess of such appropriations.
4. OFFICIALS NOT TO BENEFIT: No Member of, Delegate to, Resident Commissioner in, Congress shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom, unless the share or part benefit is for the general benefit of a corporation or company.

5. LOBBYING PROHIBITION: The parties will abide by the provisions of 18 U.S.C. 1913 (Lobbying with Appropriated Moneys), which states:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

6. MINORITY BUSINESS ENTERPRISE DEVELOPMENT, EXECUTIVE ORDER (E.O.) 12432: "It is the national policy to award a fair share of contracts to small and minority firms. The National Park Service is strongly committed to the objectives of this policy and encourages all recipients of its Cooperative Agreements to take affirmative steps to ensure such fairness " by ensuring procurement procedures are carried out in accordance with 43 CFR 12.944 for Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and 43 CFR 12.76 for State and Local Governments.

7. LIABILITY PROVISION

This section spells out liability and insurance requirements. All non-governmental entities must provide insurance. State and local governments are exempted from the insurance requirement except to the extent that work under the agreement is performed by non-governmental contractors. The amounts of insurance coverage may be adjusted up or down so as to reflect the degree of risk involved with the individual agreement. Pick the applicable clause from between the following two clauses.

LIABILITY: (Cooperator) shall be fully responsible for the acts and omissions of its representatives, employees, contractors and subcontractors connected with the performance of this Agreement. (Cooperator), in furtherance of and as an expense of this Agreement, shall:

1. Procure public and employee liability insurance from a responsible company or companies with a minimum limitation of One Million Dollars (\$1,000,000) per person for any one claim, and an aggregate limitation of Three Million Dollars (3,000,000) for any number of claims arising from anyone incident. The policies shall name the United States as an additional insured, shall specify that the insured shall have no right of against the United States for payments of any premiums or deductibles due thereunder, and shall specify that the insurance shall be assumed by, be for the account of, and be at the insurers sole risk. Prior to beginning the work authorized herein, the contractor Service with confirmation of such insurance coverage; and
2. Pay the United States the full value for all damages to the lands or other property of the United States caused by such person or organization, its representatives, or employees; and
3. Indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any omission or activity of such person organization, its representatives, or employees.

- b. Special Provisions - The following advertising and endorsements provisions may be used for Cooperative Agreements and others may added, as needed.

1. The (Cooperator) shall not publicize, or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, pictures, movies, articles, manuscripts or other publications) which states or implies Governmental, Departmental, bureau, or Government employee endorsement of a product, service, or position which the (Cooperator) represents. No release of information relating to this agreement may state or imply that the Government approves of the work product of the (Cooperator) to be superior to other products or services.
2. The (Cooperator) will ensure that all information submitted for publication or other public releases of information regarding this project shall carry the following disclaimer:

The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.
3. The (Cooperator) must obtain prior NPS approval from the Regional Public Affairs Office (PAO) before releasing for any public information which refer to the Department of the Interior, any bureau or employee (by name or title), or to this agreement. The specific text, layout, photographs, etc., of the proposed release must be submitted to the PAO along with the request for approval.
4. PUBLICATIONS OF RESULTS OF STUDIES: No party shall unilaterally publish a joint publication without consulting the other party. This restriction does not apply to popular publication of previously published technical matter. Publication pursuant to this Agreement may be produced independently or in collaboration with others, however, in all cases proper credit will be given to the efforts of those parties contributing to the publication. In the event no Agreement is reached concerning the manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

3. Items provided to the NPS by the Cooperator: a completed SF424
4. For oral histories, the NPS will loan a tape recorder and microphone and provide tape stock to the Cooperator, with the tape recorder to be returned to the NPS upon expiration of the agreement.

ARTICLE M - TORT LIABILITY

Tort liability of the SERVICE shall be limited to the provisions and exceptions of the Federal Tort Claim Act.

ATTACHMENT

Breakdown of funds allocated by the Cooperative Agreement:

Of the \$10,500 provided by this agreement,

\$3,000 is provided for the collection of oral histories;

\$2,500 is provided for traditional tribal methods of site location, including any necessary travel, consultation, lodging, meals and incidental expenses;

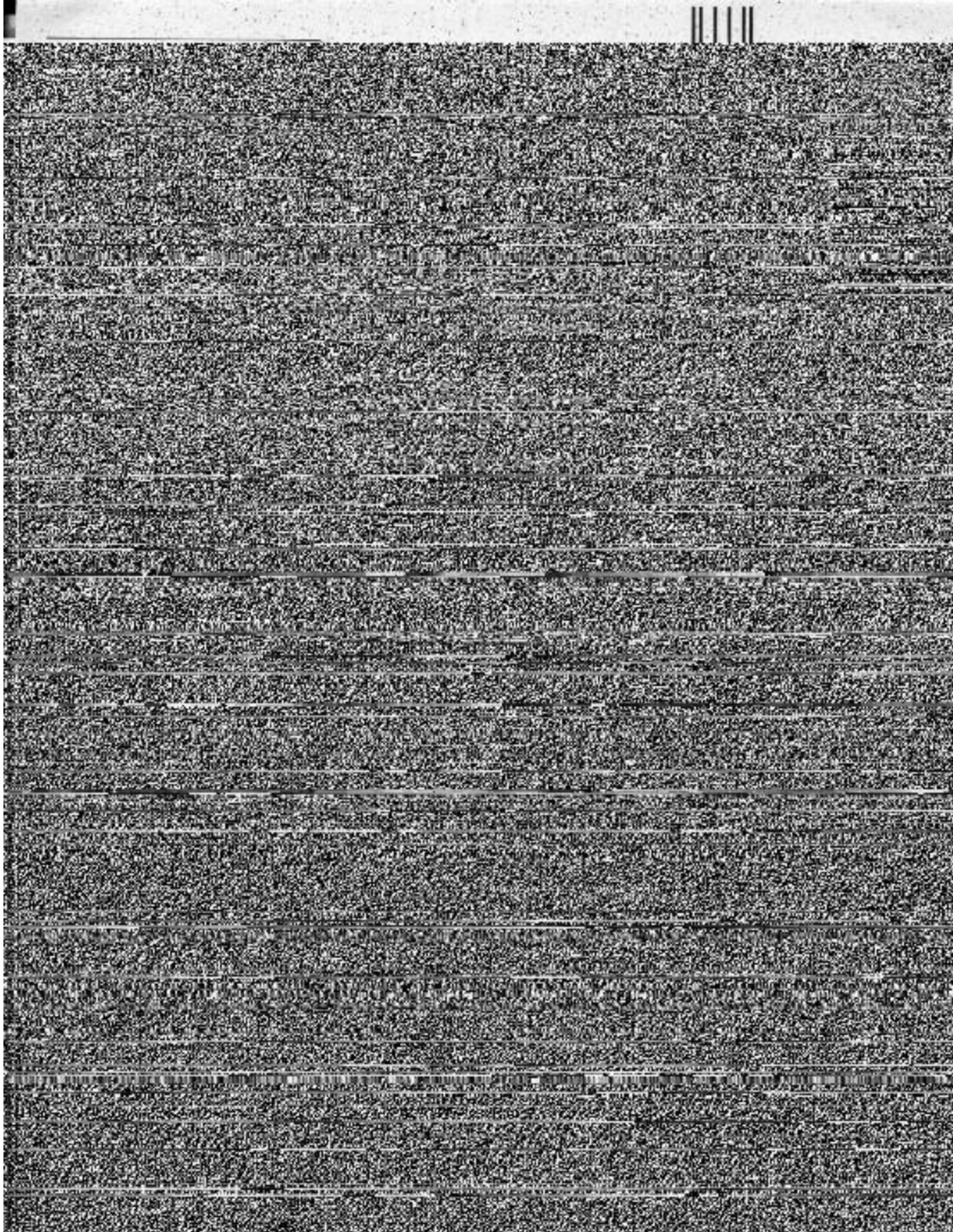
\$2,500 is provided for participation in archeological investigations, including any necessary travel, consultation, meals and incidental expenses;

\$2,500 is provided for participation in a consultation meeting between the partners in the Sand Creek Massacre Site Location Project during phase one of the project. The time and place of the meeting will

be determined by representatives of the four tribal governments in consultation with the Service and the State of Colorado. The funds provided by the cooperative agreement are to cover any necessary travel, consultation, meals and incidental expenses associated with the consultation meeting.

APPENDIX 4

Public Comment Form on Management Alternatives



SAND CREEK MASSACRE PROJECT COMMENT FORM

We need your ideas about the proposed management alternatives for the Sand Creek Massacre site. Please fill out this comment form, fold it in half, tape it closed, and mail it back to us postmarked by June 8, 2000. *No postage is necessary.* If you need more room, please use the other side or enclose additional sheets. *Thank you for your comments.*

WHICH ALTERNATIVE DO YOU BELIEVE IS THE BEST?

☐ Alternative 1 (No Action)

☐ Alternative 2 (Sand Creek Massacre Memorial)

☐ Alternative 3 (Sand Creek Massacre Historic Site)

If you choose this alternative, please indicate which of the following options you prefer.

☐ Option 1: Tribal Ownership with NPS Management

☐ Option 2: NPS Ownership and Management

☐ Option 3: State Ownership and Management

WHY DO YOU THINK THIS IS THE BEST ALTERNATIVE?

ADDITIONAL COMMENTS?

NAME _____

ADDRESS _____

APPENDIX 5

Organizational Resolutions and Letters

NATIONAL PARKS CONSERVATION ASSOCIATION

Protecting Parks for Future Generations

June 5, 2000

Mr. Rick Frost
National Park Service
P.O. Box 25287
Denver, Colorado 80225-9811

Dear Rick:

Thank you for the opportunity to provide comments on the *Special Resource Study of the Sand Creek Massacre Project*. I provide these comments on behalf of our 400,000 members across the country. The National Parks Conservation Association (NPCA) was founded in 1919 and is America's only private nonprofit citizen organization dedicated solely to preserving, protecting, and enhancing our national parks and monuments.

We find it significant that today our federal government through this study seeks ways to commemorate one of the most shameful events undertaken by a branch of our government in U.S. history. We feel this story is an important one to tell that is too often not told in classroom history books and through other forms of educational media. We concur with the NPS determination that this site is nationally significant under the criteria NPS uses. Further, we also agree that the unit is clearly suitable for inclusion in the National Park System and is feasible to become a unit if the NPS adopts Alternative 3.

NPCA believes that implementation of Alternative 3, the Sand Creek Massacre Historic Site, will best accomplish adequate protection of the landscape and the visitor experience, interpretation opportunities for the American public, ease of management, and is most complimentary to other similar units of the National Park System. Therefore, **we fully support Alternative 3**, along with a concerted effort to gain the Cheyenne and Arapaho Tribes' assistance and viewpoints for consideration as the project proceeds.

In reading Volume 2 of the Sand Creek Massacre Project, it is unclear as to what the ramifications would be of lands held in trust for the tribes versus by the federal government, and what difference this might make under various situations (pages 79-82). Therefore, it is difficult to fully assess the merits of Option 1 versus Option 2 under Alternative 3.

CENTRAL ROCKIES REGIONAL OFFICE
100 Eagle Lake Drive • Fort Collins, CO 80524-9600
(970) 493-2545 • Fax (970) 493-2527
centralrockies@npca.org • www.npca.org



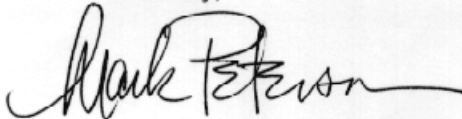
PRINTED ON RECYCLED PAPER

NATIONAL OFFICE
1300 19th Street, N.W. • Washington, D.C. 20036
(202) 223-NPCA(6722) • Fax (202) 659-0650
npca@npca.org • www.npca.org

However, based on our present understandings, **we prefer Option 2 under Alternative 3, i.e., NPS Ownership and Management.** This arrangement is consistent with the standard practice of the NPS and the vast majority of units within the System. NPCA supports the practice of close consultation with the Tribes on matters of concern to them, however, final management decisions must be the responsibility of the NPS and may, from time to time, conflict with the wishes of the tribes. The tribes rights of access should contain those rights that correspond to the historical nature of the event which this site commemorates, not with peripheral uses that the site might contain such as hunting and gathering resources from the site. The study must make this point clearer. We would particularly advocate the importance of managing this site in a manner that is consistent with the sacredness of this site to the tribes whose ancestors were involved with this event.

Thank you for providing NPCA this opportunity to present its views on the future course of the Sand Creek Massacre site. Please contact me if you have any questions regarding our position.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Peterson", with a stylized, flowing script.

Mark R. Peterson
Central Rocky Mountain Regional Director

STATE OF COLORADO

Colorado Commission of Indian Affairs

130 State Capitol
Denver, CO 80203
Phone (303) 866-3027
FAX (303) 866-5469



Joe Rogers
Lieutenant Governor
Chairman

June 8, 2000

Mr. Rick Frost
National Park Service
Intermountain Region
PO Box 25287
Denver, CO 80225-9811

Dear Mr. Frost:

Thank you for extending the opportunity for comment to the Colorado Commission of Indian Affairs (CCIA) regarding the *Sand Creek Massacre Project*. As you know, the Sand Creek Massacre was a pivotal event in the history of United States and Indian relations, and still is a place of tremendous spiritual and historical importance in the state of Colorado.

In accordance with the wishes of the tribes involved in the project, CCIA supports the preference for Alternative 3 above Alternatives 1 and 2. Alternative 2 would be a second preference, followed by Alternative 1. Alternative 3 would afford the greatest opportunity for protection of the cultural resources, preservation of the natural landscape, and for a meaningful visitor experience.

If either Alternative 3 or 2 is chosen, CCIA feels it is important to consult with the Northern Arapaho Tribe, the Northern Cheyenne Tribe and the Cheyenne & Arapaho Tribes of Oklahoma regarding site development. Optimally, the tribes should be partners in the development and implementation of interpretive programs for the locality, and tribal members should also be hired to staff the park/monument.

If you have any questions, please contact me at (303) 866-3027.

Sincerely,

Karen Wilde-Rogers
Executive Secretary



COLORADO PRESERVATION, INC.

910 16TH STREET, SUITE 1100
DENVER, COLORADO 80202

Board of Directors

June 8, 2000

Officers

Barbara Macfarlane,
President

Barbara Sheldon,
Vice President

Jill Seyfarth,
Vice President

Steve Blitz,

**Ms. Christine Whitacre
National Park Service
12795 W. Alameda Parkway
Denver, Colorado 80225**

Dear Ms. Whitacre:





March 8, 2000

Senator Ben Nighthorse Campbell
380 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Campbell,

Kiowa County Economic Development Foundation (KCEDF) is a non-profit corporation dedicated to the development and economic welfare of the residents of Kiowa County. Recently, one of our main areas of interest has been the possible development of a Sand Creek National Park.

We firmly believe that a project of this magnitude, while fulfilling its purpose for the country, could be of immense service to Kiowa County. We urge the careful development of such a park, keeping the landowner's rights in the forefront. We believe that condemnation should not be an option.

KCEDF would be very interested in assisting in this project in any way possible, including any future administration. We feel that the park could be best served by having a local contact. Kiowa County is the optimal place to locate the park's facilities, not just for accessibility, but for the economic development it would provide.

If KCEDF may be of any assistance as this project moves forward, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Janet Frederick".

Janet Frederick
Executive Director

Post Office Box 250

Eads, Colorado 81036

719-438-2200 (voice/fax)

CCI

Colorado Counties, Inc.

1700 Broadway • Suite 1510 • Denver, Colorado 80290-1501
Phone: 303.861.4076 • Fax: 303.861.2818
e-mail: cci@ccionline.org

March 28, 2000

The Honorable Ben Nighthorse Campbell
United States Senate
380 Russell Senate Office Building
Washington, D.C. 20510

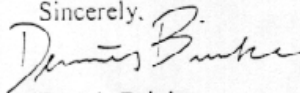
Re: Possible Designation of the Sand Creek Massacre Area as a National Park

Dear Sen. Campbell:

I am writing to you today on behalf of CCI's Public Lands Steering Committee in support of your efforts to create a new Sand Creek National Park in Eastern Colorado. As many of our member counties are concerned about additional federal land acquisitions, we would ask that any land acquired for the park be purchased from willing sellers. In order to provide optimal economic benefit for the affected citizens, CCI would also ask that the park's visitor center be located in Kiowa County.

CCI greatly appreciates your willingness to work with the affected local governments and citizenry on this important issue. If you have any questions regarding our position, please do not hesitate to contact Chris Castilian, CCI Legislative Director, at 303.861.4076.

Sincerely,



Dennis Brinker
Chair, CCI Public Lands Steering Committee

cc: Don Davis, Vice Chair, CCI Public Lands Steering Committee
Jeff Arnold, Deputy Director of Legislative Affairs, NACo
Kiowa County Board of County Commissioners
The Honorable Wayne Allard, U.S. Senate
The Honorable Bob Schaffer, U.S. House of Representatives

President Johnette Phillips, Eagle • President-elect Leroy Mauch, Prowers • James Sullivan, Douglas • Marianna Raftopoulos, Moffat
Jerry Allen, Cheyenne • Treasurer Barbara Kirkmeyer, Weld • Secretary Ed Jones, El Paso • Past President Mark Arndt, Morgan

Kiowa County Commissioners

Commissioners
Dutch Eikenberg
Haswell, Colorado
D. Wilson
Meridan Lake, Colorado
Joey Brown
Eads, Colorado

1305 GOFF
P.O. BOX 591
EADS, COLORADO 81036
(719) 438-5810
(719) 438-5615
FAX (719) 438-5327

Commissioners Me
Twice Month

March 8, 2000

Senator Ben Nighthorse Campbell
380 Russell Senate Office Building
Washington D.C. 20510

RE: Proposed Sand Creek National Park

Dear Senator Campbell,

The Kiowa County Commissioners would like to express our appreciation for the cooperation we have received from your office during the study phase of the Sand Creek Project. Your representatives have been most helpful to us.

We understand that landowner rights are very important to you. We feel the same. It is the Commissioners' opinion that future land acquisitions in conjunction with this project be with willing landowners only. We believe that our residents' land rights are of utmost importance. As such, we would also like to see park management of natural resources be confined to inside the park boundaries, or landowners be duly compensated.

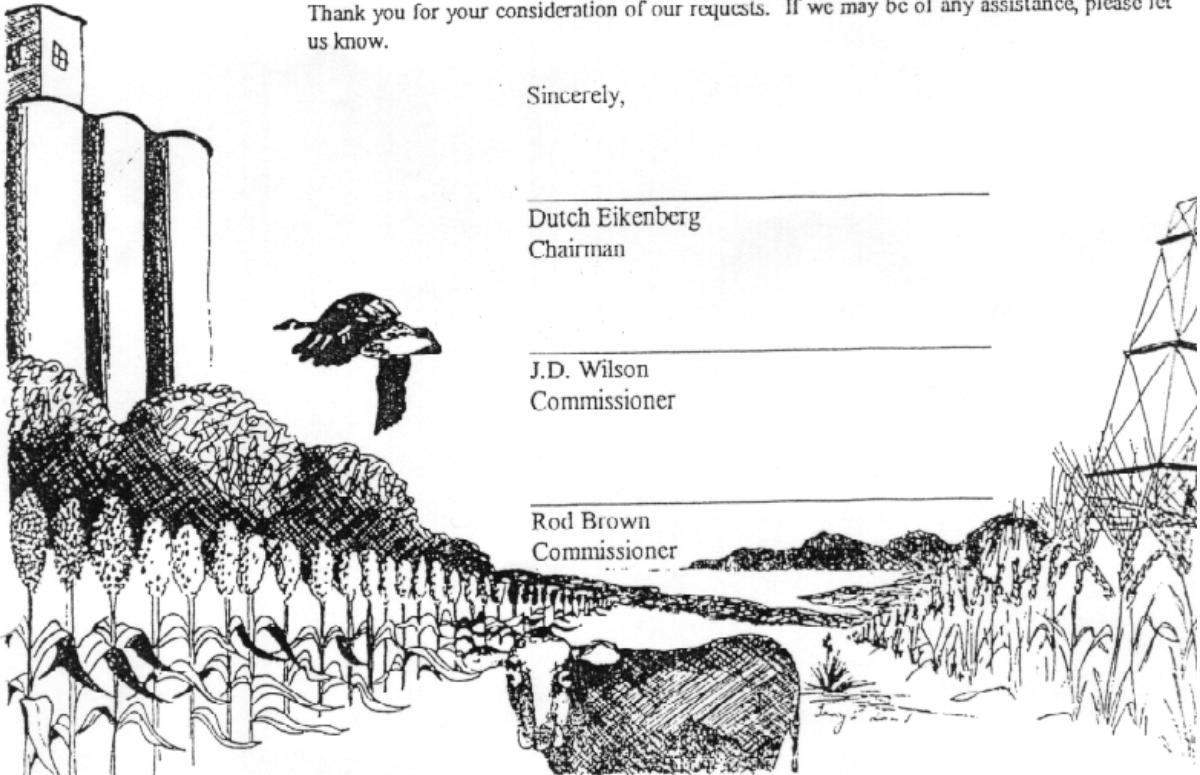
One other area of concern is park facilities. Due to the railroad closure and decreased revenue from oil and gas production, the economy is quite depressed in Kiowa County. If all park facilities were located within the county, it would obviously be an enormous help to us. Thank you for your consideration of our requests. If we may be of any assistance, please let us know.

Sincerely,

Dutch Eikenberg
Chairman

J.D. Wilson
Commissioner

Rod Brown
Commissioner



RESOLUTION ON SAND CREEK MASSACRE MEMORIAL/SAND CREEK
MASSACRE HISTORIC SITE

WHEREAS, the Board of County Commissioners of Kiowa County, Colorado has been advised that the United States government acting through the National Parks Service, Bureau of Land Management and/or other federal government agencies is contemplating the creation of a Sand Creek Massacre Memorial or Sand Creek Massacre Historic Site at the location of the Sand Creek Massacre located in Kiowa County, Colorado, and

WHEREAS, it is anticipated that the Sand Creek Historic Site boundary would include approximately 19.5 sections of land (12,480 acres) all contained within Kiowa County, and

WHEREAS, it is the recommendation of the Board of County Commissioners of Kiowa County that any and all lands acquired by the federal government for use of the National Historic Site be only acquired from willing sellers and not be condemned or otherwise controlled without purchase, and

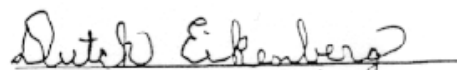
WHEREAS, in an effort to help the current depressed agricultural and/or oil and gas production situation within Kiowa County, there is an immediate and great need to locate and host all facilities involved in the contemplated Sand Creek Massacre Historic Site entirely within Kiowa County,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Kiowa County, Colorado that it is hereby recommended that any and all land purchased, leased or otherwise acquired for the site of the Sand Creek Massacre be acquired solely from willing sellers and/or lessors and that no control be exerted by the federal government upon any land owner who is not willing to enter into an agreement with the federal government for such purpose, and

BE IT FURTHER RESOLVED that all facilities involved in the contemplated Sand Creek Massacre Historic Site be located entirely within Kiowa County.

Dated this 31st day of March, 2000.

KIOWA COUNTY BOARD OF
COMMISSIONERS


DUTCH EIKENBERG, Chairman

ATTEST:


BETTY V. CROW
Clerk to the Board of Commissioners

Whereas, It has come to the attention of the Bent-Prowers Cattle and Horse Growers Association, that the United States Government acting through the National Parks Service, Bureau of Land Management, or other Federal Government agencies, is contemplating the creation of a Sand Creek Massacre Memorial or Sand Creek Massacre Historic Site at the location of the Sand Creek Massacre in Kiowa County, Colorado.

Whereas, In the alternative "Sand Creek Massacre Historical Site", the proposed historic boundary would include approximately 19.5 sections of land (12,480 acres).

Therefore, let it be resolved, we the members of the Bent-Prowers Cattle and Horse Growers Association does hereby recommend that any and all of the land purchased, leased, or otherwise acquired for the site of the Sand Creek Massacre, be acquired solely from WILLING sellers and/or Lessors, and that no control be exerted by the Federal Government by condemnation or other regulatory measures, upon any landowners who are not willing to enter into an agreement with the Federal Government for such purpose.

2000



HOUSE JOINT RESOLUTION 00-1049

BY REPRESENTATIVES Young, Decker, George, Hoppe, McKay, Pfiffner, Scott, Spradley;
 also SENATORS Hillman, Anderson, Andrews, Arnold, Blickensderfer, Chlouber, Congrove, Dennis, Dyer, Epps, Evans, Feeley, Hernandez, , Lacy, Lamborn, Linkhart, Martinez, Matsunaka, Musgrave, Nichol, Owen, Pascoc, Perlmutter, Phillips, Powers, Reeves, Rupert, Sullivant, Tanner, Tebedo, Teck, Thiebaut, Wattenberg, Weddig, Wham.

CONCERNING THE DESIGNATION OF THE SAND CREEK MASSACRE
 NATIONAL HISTORIC SITE AS A UNIT OF THE NATIONAL PARK
 SYSTEM.

WHEREAS, On November 29, 1864, Col. John M. Chivington led a group of 700 soldiers on an unprovoked attack on a Cheyenne and Arapahoe Indian village on the banks of the Big Sandy, or Sand Creek, located in Kiowa County, Colorado, resulting in the slaughter of 163 peaceful Indian villagers; and

WHEREAS, The Secretary of the Interior, pursuant to an act of Congress and acting through the National Park Service, is currently studying the suitability and feasibility of designating the Sand Creek Massacre National Historic Site as a unit of the National Park System; and

WHEREAS, As a unit of the National Park System, the Sand Creek Massacre National Historic Site is anticipated to include 19.5 sections of land, or 12,480 acres, all located within Kiowa County, Colorado; and

WHEREAS, The Board of County Commissioners of Kiowa County, Colorado, and the Public Lands Steering Committee of Colorado Counties, Incorporated have adopted a resolution concerning the manner in which the federal government acquires any land to be used for the Sand Creek Massacre National Historic Site; and

WHEREAS, This resolution recommends that any and all land purchased, leased, or otherwise acquired for the site be acquired solely from willing sellers or lessors and that no condemnation or control be exerted by the federal government upon any landowner who is not willing to enter into an agreement with the federal government for such purpose; and

WHEREAS, The land being considered for designation as a unit of the National Park System is presently owned by private landowners who acquired such land through peaceful, voluntary transactions from willing sellers and have used the land for agricultural and mineral production, adding value to the economy of Kiowa County and the State of Colorado through our system of private enterprise; and

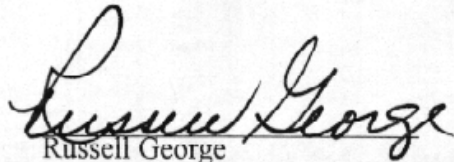
WHEREAS, The current owners of the land being considered for designation as a unit of the National Park System have labored as productive stewards of this land for a number of succeeding generations with the expectation that the land would be preserved for passage to future generations; now, therefore,

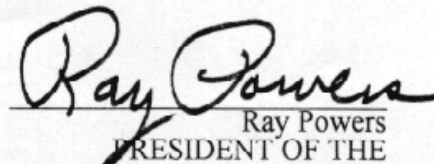
Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:

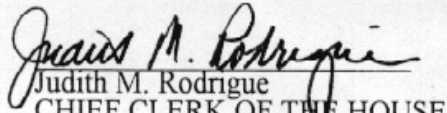
1. That the Colorado General Assembly urges Congress to ensure that any and all land purchased, leased, or otherwise acquired pursuant to designation of the Sand Creek Massacre National Historic Site as a unit of the National Park Service be acquired solely from willing sellers or lessors and that no condemnation or control be exerted by the federal government upon any landowner who is not willing to enter into an agreement with the federal government for such purpose.

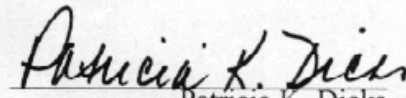
2. That the Colorado General Assembly urges Congress to ensure that the current landowners receive just and equitable compensation in any transaction associated with designation of the Sand Creek Massacre National Historic Site as a unit of the National Park System in light of the number of years the succeeding generations of landowners have labored to preserve and add value to the land.

Be it further resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Colorado's Congressional Delegation, the Secretary of the United States Department of the Interior, and the Director of the National Park Service.


Russell George
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Ray Powers
PRESIDENT OF THE
SENATE


Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Patricia K. Dicks
SECRETARY OF
THE SENATE

